THE

Parliamentary Regifter;

OR

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The moft interefting SPEECHES and MOTIONS; accurate Copies of the moft remarkable LETTERS and PAPERS; of the moft material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

FIRST SESSION of the SEVENTEENTH PARLIAMENT

OF

GREAT BRITAIN.

VOL. XXIX.

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INDEX

TO THE

DEBATES

IN THE

HOUSE OF COMMONS.

VOLUME XXIX.

Naval

State

INDEX

TO THE

SPEAKERS' NAMES.

VOLUME XXIX.

A.

B.

C.

D.

E.

b Ferguson,

THE



THE

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE of COMMONS,

In the FIRST SESSION of the

Seventeenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER,

On THURSDAY the 25th of NOVEMBER, 1790.

Wednesday, 23d March, 1791.

MR. Baker, from the Select Committee, who were appointed to try and determine the merits of the petition of William Fullarton, of Fullarton, Esq. complaining of an undue election and return for the district of the boroughs of Haddington, Jedburgh, Dunbar, North-Berwick, and Lauder, in Scotland, informed the House, that the said Select Committee have determined,

That the honourable Thomas Maitland is duly elected a Commissioner to serve in this present Parliament for the district of the boroughs of Haddington, Jedburgh, Dunbar, North Berwick, and Lauder, in Scotland;

And also, that the said Select Committee have determined,

That the petition of the said William Fullarton, of Fullarton, Esq. did appear to the said Select Committee to be frivolous and vexatious;

And also, that the said Select Committee have determined,

That the opposition of the said honourable Thomas Maitland to the said petition, did not appear to the said Select Committee to be frivolous or vexatious.

Colonel Phipps.

Colonel *Phipps* rose to present a petition, which, he said, required some explanation, since otherwise, the purport of it might appear inconsistent with the conduct which the Committee, and he as their Chairman, had already taken. The House would recollect, that he had stated to them, upon the preceding Friday, that Thomas Smith, now a prisoner in His Majesty's jail of Newgate, had been guilty of gross prevarication in his evidence before the Committee, and apparently of perjury; in consequence of which, he had complained to the House, in the name of the Committee, and moved, that the said Thomas Smith be prosecuted by His Majesty's Attorney General for perjury, which the House had agreed to, and Smith stood committed for the prevarication. It was the desire of the Committee to keep the consideration of the two offences distinct and separate; and therefore, as they had in no sort altered their opinion respecting the heinousness of the apparent perjury, or their wish that Smith should be prosecuted for it, he thought it necessary to say thus much previous to his delivery of the petition, the purport of which was to alledge the prisoner's contrition for having unfortunately incurred the displeasure of the Committee by the mode of giving his evidence, and to pray a discharge from his confinement.

The petition was, received and read, and on the motion of Colonel Phipps, the Speaker's warrant was ordered to be issued to bring up the said Thomas Smith to the bar of the House upon the morrow, in order that he may be discharged.

The Colonel afterwards said, that, as Chairman of the Committee, he was directed to report, "That John Siret "having been duly summoned to attend as a witness before "them, had disobeyed such summons, and therefore that "the said Select Committee, according to the powers given "them by the act, had ordered the said John Siret into the "custody of the Serjeant at Arms."

It was then moved, "That the said John Siret do stand "committed to the custody of the Serjeant at Arms, and "that Mr. Speaker do issue his warrant accordingly."

Mr. Pitt.

Mr Chancellor *Pitt* observed, that the commitment of the bill for the relief of Protestant Roman Catholic Dissenters, under certain conditions and restrictions, stood for the next day. He believed that there was a general concurrence of opinion in favour of the principle of the bill; but as he knew

that

that several gentlemen entertained doubts respecting the propriety of particular clauses, and wished to deliver their sentiments on the subject, he thought it would be adviseable to put the commitment of the bill off for a few days, in order to give the gentlemen in question time to digest their opinions, and state them to the House. He would not move the postponement of the commitment of the bill then, as the honourable and learned gentleman who introduced it, was not in the House, but he gave notice that he would, upon the morrow, move the discharge of the order, and the appointment of the Committee on the bill, for a future day.

Mr. *Ryder* produced a considerable number of motions for resolutions relative to the price of grain, which he said he meant to form the table, that would, in his opinion, be a fit ratio to govern the prices at which corn of various kinds might be allowed to be imported into this country from Ireland, Quebec, and other places abroad; but as it would be for the convenience of the House, with a view to the future discussion of the subject, that they should be admitted to make a part of the bill, in order that they might assume a debatable shape, with the leave of the House he would move for them instantly to resolve themselves into an original Committee, in which he would introduce the resolutions, and then let them be inserted in the bill, without meaning by such admission to have it in the smallest degree understood that gentlemen were thereby pledged to support the whole or any part of them, but that they should remain as open to objection, debate, and discussion afterwards, as any part of the bill.

Mr.Ryder

Mr. *Powys* admitted that it would be for the general convenience of the House, that the resolutions should be allowed to be so introduced, it being agreed on all hands that the receiving them should not govern and affect the future discussion of the table, as it was well known that there was a difference of opinion respecting the prices which ought to govern the importation.

Mr. Powys.

The House immediately resolved itself into a Committee of the whole House, Mr. Bramston in the chair.

Mr. Ryder then moved his resolutions, which were read short *pro forma*, and agreed to, and immediately reported to the House.

Mr. Steele made a report from the Committee on the Quebec bill. Counsel was called in and heard on the first petition. Counsel on the second petition was heard in part, and the farther consideration of the report adjourned to the ensuing Wednesday. After some conversation between Mr. Fox, Mr. Hussey, Mr. Alderman Watson, and Mr. Chancellor Pitt, the three former of whom suggested the propriety

 of

of re-committing the bill, and moved a queſtion upon it, which was negatived.

The Houſe adjourned.

Thurſday, 24th March.

No material debate occurred.

Friday, 25th March.

A petition of John Siret was preſented to the Houſe, and read; ſetting forth, that the petitioner is now in the cuſtody of the Serjeant at Arms, for non-attendance on the Committee appointed to try the merits of the Exeter election; and that the petitioner is moſt ſincerely ſorry for his miſconduct in preſuming to diſobey the order of the ſaid Committee, which aroſe from ignorance, and not from diſreſpect; and that the petitioner is deeply ſenſible of his crime, and entreats the Houſe, that he may be diſcharged out of cuſtody.

Ordered,

That the ſaid John Siret be immediately brought to the bar of this Houſe, in order to his being diſcharged.

John Siret was accordingly brought to the bar; where he received a reprimand from Mr. Speaker, and was ordered to be diſcharged out of cuſtody, paying his fees.

Mr. Grey

Mr. *Grey* begged leave to ſolicit the future attention of the Houſe to a bill which he deſigned to introduce, for the purpoſe of making ſome alteration in the mode of determining on the merits of election petitions. Frivolous and vexatious he conſidered as terms of too harſh a conſtruction, and ſuch as might not always be applicable, even when it was found neceſſary that the plea of the petition ſhould not be ſuſtained. He mentioned the caſe of a Committee in which he had lately been engaged; and in which, though they had decided that the petition was not ſupported by evidence, they were unwilling to determine upon it as frivolous and vexatious. He did not mean that the party, whoſe petition was ſo decided on, ſhould be excuſed from paying coſts; but only that ſome different mode of determining ſhould be ſubſtituted, as he conſidered the preſent as imputing intentions which might not be entertained, and even eſtabliſhing a ſort of criminality. At any rate, if the terms were liable to ſuch conſtruction, it was proper that they ſhould be corrected.

In conſequence of this intimation, a converſation took place, in which Mr. Wyndham, Mr. Stanley, Mr. Baker, Sir William Scott, and Colonel Phipps, were ſpeakers, and in which different opinions were given of the propriety and uſefulneſs of the object of the intended bill.

Mr.

Mr. Chancellor *Pitt* apprehended that, on a ſubject of such importance, it would be more proper to poſtpone any debate until a regular motion ſhould come before the Houſe.

Mr. Pitt.

Sir *Benjamin Hammet* riſing next, obſerved, that he had in his hand a petition againſt the bill for appropriating the ſum of five hundred thouſand pounds of unclaimed dividends, &c. ſigned by a moſt reſpectable body of ſtockholders; names which would be allowed to carry with them the greateſt weight and importance. He had ſuggeſted his propoſal to the Bank, of lending 500,000l. without intereſt, as long as the ſame ſhould be unclaimed. There had, in conſequence, been a meeting of the Directors on the preceding day, and a meeting of Proprietors was to take place upon the enſuing Tueſday.

Sir Benj. Hammet.

The petition was brought up and read, as follows:

"To the Honourable the Commons of Great Britain, in Parliament aſſembled.

"The humble Petition of the Subſcribers who are Proprietors in the Public Funds of Great Britain,

"Humbly ſheweth,

"That your petitioners are deeply intereſted in the public funds of Great Britain.

"That your petitioners have inveſted their property in thoſe funds, with the moſt perfect reliance on the faith and juſtice of Parliament, and in full confidence and perſuaſion that the Legiſlature of Great Britain would never, without the conſent of the Proprietors, make any eſſential alteration, either in reſpect to their ſecurities, which conſiſt principally in funds ſpecifically appropriated to the payment of their annuities, or in reſpect to the mode of their payment, expreſſly ſtipulated and delineated in the ſeveral ſtatutes that fix the conditions of the public loans.

"That your petitioners have ſeen, with equal concern and aſtoniſhment, a bill brought into Parliament by the right honourable the Chancellor of the Exchequer; the avowed object of which is to take back five hundred thouſand pounds, part of the ſums that have been iſſued by the Exchequer to the Governor and Company of the Bank of England, in purſuance of many acts of Parliament; and particularly of the Conſolidated Act, paſſed in the 28th year of his preſent Majeſty, being part of the funds appropriated by law to the payment of the public creditors, and expreſſly declared not to be divertible to any other uſe or purpoſe whatever.

"That the principle of the ſaid bill appears to your petitioners to have a direct tendency to deſtroy that confidence which

which many natives and foreigners have hitherto reposed in the equity and justice of Parliament; to violate the public faith solemnly plighted; and by seizing on private property, accurately described, and standing as such in the books of the Bank of England, to excite alarms and apprehensions of the most serious and dangerous nature.

"That your petitioners wish to be heard by Counsel, if it shall appear to them to be necessary; although it is a case that does not depend on nice and intricate subtilty, or on a deep knowledge of the technical forms of law; but on the rights of British subjects, which ought in no case whatever to be invaded. They humbly petition for no more than a sacred observance of national contracts, containing express stipulations, easily understood, and ratified by solemn acts of the Supreme Legislature.

"Under anxious apprehensions, not more sensibly felt on their account, than for the good faith, the public credit, and the honour of the nation; and impressed with a sense of the duty they owe not only to themselves, but to the community at large, your petitioners humbly intreat this honourable House to take the premises into their most serious consideration; and they pray, that no alteration in their security, for the better or the worse, may take place without their consent; and that the said bill may not pass into a law."

Mr. Pitt. Mr. Chancellor *Pitt* observed, that as a long previous notice had been already given, he trusted that the petition could afford no pretext for delaying the report. It had been appointed for the preceding day, and he would certainly consider himself as authorized to move that it should be received immediately. In his opinion, there certainly was an irregularity in the mode in which the petitioners had desired to be heard by Counsel, as they had not come forward until this late stage of the bill.

Mr. Fox. Mr. *Fox*, on the contrary, contended that the conduct of the petitioners was not irregular; as they might, perhaps, (but he did not pretend to speak decidedly upon this point) have Counsel ready to be heard on the report. It would be recollected that this business was intended to have come on upon a former day, and had been unavoidably postponed; a circumstance of which they could not have been aware. He did not think himself possessed of sufficient weight to attempt now to oppose the report. But surely, if there was any business which ought to be conducted with caution, or in which full time ought to be allowed, it was upon an occasion like this, in which the public credit was interested. The petition was almost unprecedented with respect to its nature, and

the quarter from whence it issued. It had not, he believed, happened, since the accession of the Family of Brunswick, that a petition had been presented from the Bank to the House of Commons against any measure with regard to money matters. In such an event, therefore, the fullest investigation, the most serious deliberation, was necessary. A petition had now been presented, signed by the most respectable names, with regard to extent of property, which had ever perhaps appeared in any civilized nation. He was not one of those whom a regard to property could influence, in the extreme, neither did he feel himself inclined to allow it too much weight in the deliberations of public business. On the contrary, he thought, that in debates in that House, it was too frequently referred to, and too much stress laid upon it. But, if there was any occasion on which regard was due to property, it was the present. If there was any property deemed sacred, it was that which was vested in the funds; and any petition, proceeding from this quarter, ought to demand the most deliberate attention, and excite the most serious regard.

After some little difficulty with regard to the mode of disposing of the petition, it was ordered to be laid upon the table, and Counsel heard upon the third reading.

Mr. Pitt gave notice, that it was probable that he might be commanded to bring down on Monday a message from His Majesty, relative to the present situation of affairs in Europe.

After certain clauses had been read from the act of Parliament, relative to the conduct to be observed previous to the expiration of the charter of the East-India Company,

Mr. Pitt

Mr. Chancellor *Pitt* conceived that, in the present state of India, this was not the time for the discussion of what measures should be adopted with regard to the renewal of the Company's charter. He meant, however, now to make the motions required by the act, that when that event should take place, whatever line of conduct the House should think proper to pursue, they might have the means of settlement in their own hand. He would not pretend to advise any renewal of the charter, nor would he, on the present occasion, hazard the least opinion upon the subject. Only from the motions which he should now make, it would be understood that the exclusive commercial privileges of the East-India Company should cease, unless it should appear to be the pleasure of the House to provide for the continuance of their exercise in the same channel.

Mr. Hussey.

Mr. *Hussey* having observed that, from diligent inquiry, and long attention to the subject, he was decidedly of opinion

nion that the charter ought never to be renewed, expressed his approbation of the motions which had been made.

General Smith. General *Smith* mentioned some obstacles, which, in his opinion, were likely to arise against the prosecution of the present war in India.

Mr. Pitt. Mr. Chancellor *Pitt* answered, that the faith of the nation was pledged to make provision for any engagements which had been entered into by Parliament, or through the medium of the East-India Company.

Mr. Maitland. Mr. *Maitland* remarked, that during the discussion on the war in India, it had been stated as of the utmost importance to our possessions in that country, to give protection and stability to the Company in the present state of their affairs. With this view, the right honourable gentleman had professed to come forward with certain resolutions. Now, a motion was made, giving notice of the expiration of the Company's charter, without any provision being employed to prevent its necessary effects. If the motion was merely in compliance with the act, the Minister ought to have declared that he made it in his official capacity, without any intention that it should take effect to the prejudice of the Company's affairs. Or it ought to have been stated, that at the expiration of the present system of Government, another equally effectual and coercive would be adopted. But at present, the effect of the motion was to intimate to the inhabitants of that country, that the present system of that Government, with which they entered into connection, and formed engagements, would shortly expire, while it left them entirely in the dark what Government would succeed, or whether any provision at all would be made to supply its place. The consequences of this uncertainty would not fail to communicate the most alarming apprehensions, and violently affect the present situation of the Company's affairs. He thought, therefore, that it was incumbent on the Minister to have been more explicit, and not have continued satisfied to deal in guarded intimations, instead of proceeding to positive ascertainments.

Mr. Rose having brought up the report concerning the Bank Dividend bill,

Mr. Chiswell. Mr. *Chiswell* rose, and observed, that his chief motive for begging leave to trespass upon the patience of the House, was grounded upon the recollection of what had fallen from the right honourable gentleman, in the intimation which he had that day given of a message which might be expected on Monday, the nature of which, he thought, should induce the right honourable gentleman and the House to be very cautious in any proceeding that affected public credit, or even

even that affected the Bank and the stockholders; for it might happen that a future loan would be required, and certainly, any thing that had a tendency to weaken the security of the public creditor, could not prove a favourable circumstance upon such an occasion. Mr. Chiswell next reverted to the measure which had been adopted when the term of payment of the long annuities had been altered in 1786. It had then been thought necessary to allow a certain time for those who might not like the nature of the bill to express their dissent, and then continue to be paid as formerly. This he recommended in the present instance, if the bill was not to be given up; a circumstance that would please him and many more, much better than any possible amendment which could be made to it. However, as he feared that this would not be done, he intended to offer a clause which he trusted the House would accept and make part of the bill. The clause being moved and read, it appeared that the purport of it went to enact, that a book should be opened and kept for six months at the Bank, that those proprietors of unclaimed dividends, and other stockholders in the different public funds, who dissented from the proposal made in the bill to change their security, might have an opportunity of stating and signing such dissent in that book, and thus escape from being in any manner affected by the bill.

Mr. Steele.

Mr. *Steele* remarked, that gentlemen who spoke on the other side, seemed to rest their arguments upon a necessity which they conceived there was for having the particular consent of every individual proprietor of unclaimed dividends, and every proprietor in the public funds; but he never would allow that any such consent was necessary, or that, though one or more proprietors or stockholders should positively dissent, there was any reason for giving up the bill; and therefore, adopting a clause so contradictory to the other parts of it, was nothing else than giving it up. With regard to obtaining consent, that clause in the bill which gave the public creditor three months, after his dividend was due, for considering whether he would withdraw his money, or allow the security to be transferred from the Bank to Government, was perfectly sufficient for every reasonable purpose; because, doubtless, if a man allowed his dividends to remain three months after he knew that it was due, and by the operation of this bill, certainly, as he had the power of withdrawing it, which he had not done, it might be inferred, that he was, to all intents and purposes, satisfied with the transfer, and virtually gave his consent to take public security, instead of the Bank, thinking the one at least as good as the other.

Mr. Fox. Mr. *Fox* obferved, that he felt ample reafon to approve of the claufe which had been brought up; and as he had all along wifhed that the bill might have all fuccefs, he fhould feel a greater pleafure if the claufe were adopted. He next adverted to what the honourable gentleman who fpoke laft had faid concerning the confent which had been, or could be, obtained to this meafure; and this was a confent by inference, or rather a fuppofed confent. He allowed that there might be a confent by inference, or a virtual confent, fuch as that given to taxation, which the people gave virtually, becaufe they, the Houfe of Commons, whom the people had chofen as their reprefentatives, had agreed to it; but this was very different, indeed, from the confent which the honourable gentleman had talked of; all that was afked by the honourable Member who moved the claufe, was, that perfons who were interefted might have an opportunity of giving their diffent, which was certainly fair. He had, on a former occafion, contended, and ftill fhould he perfift in contending, that not only the prefent proprietors of unclaimed dividends, but all ftockholders, muft give their confent, before it was a proper confent; becaufe all ftockholders may, at fome future period, have unclaimed dividends. Many refpectable proprietors had already given their diffent, as appeared by the petition from the Bank Proprietors, and that now upon the table, figned by fuch men as, in point of wealth, gave it more weight than, perhaps, any petition which had ever been prefented in any part of the world. He in general was none of thofe who argued that the importance of, or propriety of confideration concerning a meafure, depended upon the rank or wealth of thofe interefted in it; but furely, on a fubject which was fo materially connected with the property of the country, and the fecurity of the public creditor, he muft contend that very great attention and refpect was due to the names, characters, and fituations of fuch men as the petitioners. As to the Bank of England, on all emergencies the nation and they had acted together for a long time back, and he was forry that he was led to remark, upon the prefent occafion, that this was the firft time, fince the acceffion of the Brunfwick Family to the throne, that the Bank of England had found it neceffary to make any application to Parliament againft a meafure, which, as far as the national faith and public credit were concerned, was, in the opinion not only of the petitioners, but of all the men of monied intereft within the kingdom, fo pregnant with the moft alarming danger. As to the virtual confent mentioned by the honourable gentleman, it feemed to be founded on the diffent which had been given, and would ftill be given, if time were allowed.

allowed. Mr. Fox appealed to the good ſenſe and information of the Houſe, whether, in the preſent ſituation of affairs, and after the great and general alarm which this meaſure had occaſioned, it ought to induce the majority of the Houſe to wiſh, at any rate, for more time before they allowed the bill to paſs? It never had received the conſent of any party intereſted in its operation; on the contrary, it was forced upon them all againſt their will, and in its nature unjuſt as in its conſequences deſtructive. There were, indeed, particular times, when ſuch meaſures might be hazarded with leſs danger than at others, and perhaps unfavourable as the ſituation of the country was ſome months ago, it might be more ſo now; but we ought not to purſue meaſures fraught with injuſtice to the people, and deceit upon the public, either at any period, or in any ſituation whatſoever.

Mr. Pitt.

Mr. Chancellor *Pitt* conceived that the point at iſſue was ſimply, whether it was or was not neceſſary to have the conſent of every individual proprietor and ſtockholder; and he had no heſitation in declaring that it was not neceſſary.—The proprietors of the public funds were of two ſorts; thoſe who had unclaimed dividends in the Bank, and thoſe who were merely ſtockholders, and had no unclaimed dividends. The firſt were allowed, by the proviſions of the bill, three months to withdraw their money, and re-inveſt it in the Bank, if they preferred that ſecurity to the public ſecurity, connected and depending upon the whole revenue of the country; and the ſecond having no arrears of dividends, had it in their power to draw their money whenever it became due, and place it where they pleaſed; and therefore, they could not be affected by the operation of the bill.

Mr. Dundas.

Mr. *Dundas* inſiſted that thoſe gentlemen on the oppoſite ſide of the Houſe, who contended that the ſecurity of the public creditor was inſured, and that more time was neceſſary to obtain the conſent of perſons intereſted, had not ſo good a foundation for their arguments as they pretended to poſſeſs. He thought, with both his right honourable friends, that the time allowed by the bill was perfectly ſufficient for the public creditor to determine which ſecurity he would prefer, the Public, or that of the Bank. He replied to what had been urged during the courſe of the diſcuſſion concerning the Bank being as truſtees for minors, or others, whoſe property was left by will in the Bank to accumulate for their uſe; and he thought it more reaſonable to ſuppoſe, that perſons leaving money in that way, wiſhing it to accumulate, would rather be pleaſed to have the intereſt drawn regularly, and appropriated to ſome particular purpoſe, than to let it go into the general aggregate fund of the Bank of England, liable to be,

at the same time, in case of certain emergencies, brought to the use of the Bank; a circumstance which, of itself, would deter some people from appointing the Bank to be the custodees of their property, and induce them to prefer the public security, in which was involved the whole revenue and credit of the nation. Mr. Dundas affirmed that no injury was attempted against the public creditor, and that every opportunity was allowed him to make choice of his security. He introduced the Consolidation Act, and other measures, as precedents for varying public security; and he remarked, that the clamour which had attended this measure, was needless, and of no service whatever. The right honourable gentleman had, in his usual way, when he was at a loss for better argument, appealed to the knowledge and the common sense of gentlemen upon the absurdity of a measure; but he did not suppose that this would have much effect; on the contrary, he was inclined to hope, that he might succeed in his appeal to the wisdom and good sense of the House, and he trusted that they would consider the measure, in favour of which he meant to vote, as not deficient in either propriety or justice.

Mr. Grey. ' Mr. *Grey* said, that it was impossible to avoid adverting to the mode in which the right ho[illegible] [illegible]n'leman had chosen to reflect upon his rig[illegible] honourabl[illegible], for appealing to the common sense an[illegible] feelings of [illegible], without admiring the justice of [illegible] reflection by [illegible] readiness with which the right honourable gentleman had fo[illegible]wed the same plan, no doubt conceiving that it would [illegible] much better and fairer, as coming from him, changing the [illegible]urity of the public creditor, not only without his consent, but absolutely against his will, declared in the mo[illegible] express[illegible] te[illegible]ms, as the petitions on the table proved, was a measure on which little argument was necessary to convince any man of common sense, who would take the trouble of judging for himself, of its impropriety, injustice, and injurious consequences to the public credit of the nation; and this, he contended, was the avowed and notorious tendency of the present violent and destructive measure. Mr. Grey considered the implied consent talked of by some people as ridiculous in the extreme, when it was evident, as far as it could be carried, if the present clause were refuted, that the power of dissent must become totally and completely withholden from the creditor by the debtor, as well as the choice of security. In conclusion, Mr. Grey observed, that the country had, upon many occasions of emergency, resorted to the Bank for loans, which were readily granted; yet, notwithstanding that he did not entertain the least doubt but that the same disposition to come forward with assistance, would shew itself during any future

future exigency of our affairs, he anxiously hoped that the period of national distress, granting that it were to come at all, was far distant.

Mr. Stanley, jun. spoke against the clause, and totally approved of the bill.

Sir W. Young. Sir *William Young* expressed his determination to vote against the clause, and insinuated an opinion, that there might be motives not quite so disinterested as was generally thought for the opposition given to the bill. He alluded likewise to the disavowal of the Bank Directors, first, that the advantage derived from floating balances was any object with them, and afterwards, as to they and their friends stating the right which they had to that profit.

Sir James St. Clair Erskine. Sir *J. St. Clair Erskine* conceived, that all parties interested in the operation of the bill, were entitled to give either their consent or dissent; and he thought that all stockholders, as well as those who now were proprietors of unclaimed dividends, came under this description. As to the three months notice in the bill, he deemed it perfectly inadequate to the purpose, and inconvenient and troublesome to the proprietors, who must withdraw their dividends regularly, and whether they wished to do it or not; or if by absence, neglect, or any mistake, they allowed the three months to elapse, then their property was seized on without their consent, and the security of the Bank, which they had preferred to any other, was varied and transferred to the Public, without their having any power to dissent at the time, or alter afwards, without much trouble or expence. A person in the country might have no friend in town whom he wished to trust with a power of attorney, or the management of his money; in that case, it was a common and safe way to let it remain in the Bank till he came to town, or wished to draw; but if this bill passed, that could not be done. In conclusion, Sir James complained that several honourable gentlemen on the other side of the House had, during the course of the debate, and in every stage of the bill, changed their ground, and avoided, as much as possible, a fair discussion of the subject.

Mr. Mitford. Mr. *Mitford* expressed his astonishment that the bill had met so much opposition: he could not see the difficulties and inconveniencies attending its operation, and thought it a very easy matter for a person in the country, who disliked the bill, and was possessed of unclaimed dividends, to desire his agent to transfer his property from the Public security to the Bank stock. Much had been urged concerning the meaning of the words frivolous and vexatious; words, under the application of which, the complainants against the bill most certainly did not deserve to fall.

Mr. Ald. Watson. Mr. Alderman *Watson* vindicated the Bank and Directors against what he called the unjust and unmerited attack which had been made upon them, by the Honourable Baronet who spoke last but one in the debate.

Sir William Young explained.

Mr. Fox. Mr. *Fox* desired to receive an explanation from an honourable and learned gentleman who advanced the argument, or any other learned gentleman, whether a person residing in the country could, by his agent, get his stock transferred from the Public security to Bank security; his own idea upon the subject was quite the reverse.

Mr. Mitford appeared to entertain a contrary opinion.

Mr. Hussey. Mr. *Hussey* could not help differing from the right honourable and learned gentleman, who thought the public security as good as the Bank, in the way the Public now had it; and he put the case thus: If one gentleman borrows 100l. from another, and agrees to place value for the security of the lender in the hands of Messrs. Hoare and Mr. Child, and afterwards thinks it more convenient, and proposes that one house only should be security, would this be the same to the lender? Now, the case was precisely similar; for at present, the public creditor had both the Bank and the Public security, whereas he will in future be left with one only. Mr. Hussey stated, that Government owed to the Bank eleven millions, for which they received 330,000l. per annum interest. He added, that he did not blush to own that he was a proprietor and stockholder, and that he argued for his interests. The impossibility that the property and interests of individuals could be otherwise than materially affected, when the interests of the whole community were concerned, was an opinion to which he felt himself fully warranted in adhering.

Mr. Sarjent. Mr. *Sarjent* applauded the measure, as well adapted to the object for which it was intended. He thought it the duty of every Chancellor of the Exchequer to take all safe methods of paying off such public debts as were likely to be least felt by the people; and such, in his opinion, was the nature of the bill in question.

At length, the House divided on the clause;

Ayes, 45; Noes, 136. Majority 91.

When the next clause fell under discussion,

Mr. Hussey. Mr. *Hussey* rose, and remarked, that the Chancellor of the Exchequer had formerly stated as an argument, to prove that the money to be taken from the Bank would be all repaid in one day, if demanded, that there was never less than 500,000l. in the Exchequer. He should be glad to know why this money could not be applied to the public service, as well as the floating balance of the money issued for the payment of dividends,

dividends, since it was precisely the same thing to the Public whether the money lay unemployed at the Bank or the Exchequer.

Mr. Chancellor *Pitt* answered, that the supplies voted for the service of the current year, came into the Exchequer so as not only to meet the current demand, but to leave a surplus ready to meet any unforeseen exigency. This surplus consisted partly in money and partly in Exchequer bills, which bearing no interest till the date at which they were issued, the Public could not become losers by their lying unemployed in the Exchequer.

Mr. Pitt.

Mr. *Harrison* contended, that one of the strongest instances which could possibly be produced of the impropriety of taking the floating balance out of the Bank, was the extraordinary means to which they were obliged to resort to provide for making it good; and these were, pledging all the money in the Exchequer, appropriated by act of Parliament to other purposes. To repay it by Exchequer bills, was neither more nor less than adding 500,000l. to the unfunded debt; and it could occasion very little difference to the Public, whether this was done in the first instance or the second. It must have a bad appearance in the eyes of the world, to resort to means of raising money which seemed to imply that all our other resources were exhausted. Much had been advanced during the debate on the convention, respecting the strong impression which the facility and expedition with which we had equipped a formidable armament must make on all the neighbouring powers. The advantage to be derived from that impression, had even been represented as alone worth all the expence which the armament had cost us; but there was ample cause for apprehending that a counter balance against the favourable impression of the armament, would arise from the unfavourable impression of the present measure.

Mr. Harrison.

Mr. *Whitbread* observed that, in his opinion, the circumstance of a surplus in the Exchequer, confirmed what he had advanced in a former debate, that Exchequer bills were the ultimate security to the public creditor for the floating balance taken by the Public. If the surplus of supplies in the Exchequer consisted chiefly of Exchequer bills, they must be the chief part of the security, and that security was not better, because the money was taken from the Bank. With regard to the case put by an honourable Baronet, that were a person borrowing money on a tontine to agree with the lenders that the interest should be paid at a Banker's, this would make part of the contract between the parties; when the money was issued for payment of the interest, the Banker would place it to account of the several persons to whom he had engaged to pay it, and the borrower could not call

Mr. Whitbread.

back any part of it, whatever balance might be left by those persons in the Banker's hands. Such was the situation of the Bank between the Public and the public creditor; but were this statement of the law of the case erroneous, then it was absurd in the Public to call for money by an act of Parliament, which the Exchequer might call in by a legal process.

The report of this clause was agreed to.

Mr. Fox. Mr. *Fox* observed, that he had an amendment to suggest on the preamble. Gentlemen would recollect, that when he argued that the whole sum to be taken from the Bank could not be repaid at once, were it to be so demanded, a right honourable gentleman felt it necessary to clear himself, with some warmth, from the imputation of having ever said that it could be repaid immediately, in the strict sense of the word, and to explain that he meant only, that it would be repaid so speedily as never to pass beyond the day on which it was demanded. If the right honourable gentleman was so jealous of his honour, the House ought to be equally jealous of theirs, and not hold out to the Public, in the preamble of the bill, what they knew to be false in fact. He should therefore move to leave out the word "immediate" in the preamble, and insert the word "speedy."

Mr. Pitt. Mr. Chancellor *Pitt* answered, that the word immediate was used only in its general sense, and was meant only to imply, that payment would be made within the day on which it was demanded; but as he had as unavoidably as reluctantly entered into such a multitude of disputes on the bill with the right honourable gentleman, and as the purport and effect of it were not to be collected merely from the preamble, but the clauses, he should, by not opposing the amendment, avoid any farther altercation.

The word "immediate" was stricken out, and the word "speedy" inserted.

The bill was ordered to be engrossed, and read a third time upon the ensuing Tuesday.

The House adjourned.

Monday, 28th March.

Mr. Chancellor Pitt brought up the following Message from His Majesty, which was read by the Speaker, the Members being uncovered:

GEORGE *R.*

His Majesty thinks it necessary to acquaint the House of Commons, that the endeavours which His Majesty has used, in conjunction with his allies, to effect a pacification between Russia and the Porte, having hitherto been unsuccessful, and the consequences which may arise from the farther progress of the war, being highly

highly important to the interests of His Majesty and his allies, and to those of Europe in general, His Majesty judges it requisite, in order to add weight to his representations, to make some farther augmentation of his naval force; and His Majesty relies on the zeal and affection of the House of Commons, that they will be ready to make good such additional expence as may be incurred by these preparations, for the purpose of supporting the interests of His Majesty's kingdom, and of contributing to the restoration of general tranquillity on a secure and lasting foundation.

Mr. Pitt then moved, "That this message be taken into "consideration upon the morrow."

Mr. Fox.

Mr. *Fox* having declared that a subject of such particular importance deserved the most serious attention of that House, added, that he could not reflect, without the deepest concern, upon the circumstance of their having fallen into a situation of misfortune so sudden and so unexpected, after what had passed in other countries, as well as at home. Reserving himself for the approaching consideration of the message, he should, for the present, only beg leave to ask, whether the right honourable gentleman meant to do more the next day, than merely to move an address of thanks to His Majesty, in answer to his message? If that were all, he saw nothing exceptionable to such a motion, either the next day, or even at that moment; but if, in the address, the right honourable gentleman meant to include any thing like approbation, or the promising to support the expences which His Majesty had been advised to incur, surely the next day would be much too early. He trusted, that whatever confidence the House might have in the Minister, they had not yet proceeded upon confidence so far, as to profess themselves ready to support the King's expences, without having before them any sort of ground of information whatever, to enable the House to judge whether the measures leading to the necessity of incurring such expences had been justifiable, or whether the sums wanted were likely to be wisely and properly laid out. He therefore wished to know, if the business of the next day was to carry them farther than a mere address of thanks to His Majesty for his communication; and whether it was not the intention of Administration to communicate to the House more information respecting so serious and alarming a point, than that of which they were already in possession?

Mr. Pitt.

Mr. Chancellor *Pitt* answered, that if the right honourable gentleman would please to recollect, he must be sensible that it had not, upon any occasion, been usual to delay the consideration of a message from His Majesty longer than the next day; and he well knew there were, in the present case, many reasons why they should seize the earliest opportunity

of considering His Majesty's message of that day. He should therefore certainly persist in moving, that this subject should be taken into consideration upon the day ensuing, and any Member who disapproved doing so, might then move to adjourn the consideration. Mr. Pitt added, that in the vote of thanks to His Majesty, should it pass, would be included the unanimous resolution of the House, that they would be ready to vote such supplies to defray the expences likely to be incurred as should be necessary. He did not mean to enter at all into any debate then, but there was no ground for expecting any farther information than that contained in the message itself.

Mr. H. Thornton

Mr. *Henry Thornton*, having premised that it was not intended to create an exclusive Sierra Leona Company, but merely to convince the House that a large capital would be wanted to carry on a trade to this settlement, and that therefore it would be expedient to incorporate those concerned in it, in order that they might become responsible, with their fortunes, no farther than for the sums they embarked in it, observed, that the motion would explain the other objects of the bill they wished to introduce. He then moved, "That "leave be given to bring in a bill for establishing a Company "for carrying on trade between the kingdom of Great Bri-"tain and the coasts, harbours, and countries of Africa; "and for enabling the said Company to hold by grant from "His Majesty, his heirs, and successors, and from the native "Princes of Africa, a certain district of land, commonly "called the Peninsula of Sierra Leona, now vested in His "Majesty, or belonging to the said Princes, for the better "enabling the said Company to carry on the said trade."

Lord Sheffield.

Lord *Sheffield*, having remarked that he had been desired by a large body of his constituents, who were African merchants, to oppose the bringing in of the bill, read to the House a letter from his constituents, in which their objections were enumerated.

Colonel Tarleton.

Colonel *Tarleton* declared his intention of opposing the bill in a future stage, on the principle that the African trade had, by two separate acts of Parliament, been many years since laid open, and that the only convenient coast or port to trade at, was upon Sierra Leona river.

Mr. Gascoyne.

Mr. *Gascoyne* observed, that he also should, in a subsequent stage, oppose the bill, as a bill for a monopoly, and therefore not meriting the countenance of the House.

Mr Thornton

Mr. *Thornton* answered, that an exclusive trade was not the object of the persons applying, and that the bill did not even contain such a word as "exclusive."

Leave was given to bring in the bill.

Lord

Lord North, from the Select Committee, who were appointed to try and determine the merits of the petition of Richard Beckford, Esq.; and also the petition of the several persons whose names are thereunto subscribed, on behalf of themselves and others, being lawful electors of the borough of Leominster, in the county of Hereford, severally complaining of an undue election and return for the said borough, informed the House, that the said Select Committee have determined,

That John Sawyer, Esq. is not duly elected a Burgess to serve in this present Parliament for the borough of Leominster, in the county of Hereford;

And also, that the said Select Committee have determined,

That Richard Beckford, Esq. the petitioner, ought to have been returned a Burgess to serve in this present Parliament for the said borough of Leominster;

And also, that the said Select Committee have determined,

That the said Richard Beckford, Esq is duly elected a Burgess to serve in this present Parliament for the said borough of Leominster;

And also, that the said Select Committee have determined,

That the petition of the said Richard Beckford, Esq. did not appear to the said Select Committee to be frivolous or vexatious;

And also, that the said Select Committee have determined,

That the petition of the said electors of the borough of Leominster, in the county of Hereford, did not appear to the said Select Committee to be frivolous or vexatious;

And also, that the said Select Committee have determined,

That the opposition of the said John Sawyer, Esq. to the said several petitions, did not appear to the said Select Committee to be frivolous or vexatious.

When the House had resolved itself into a Committee of Supply, to which the army estimates, presented the 9th of March instant, and the extraordinaries of the army, were first, upon motion, referred; and when Mr. Gilbert had taken the chair,

Secretary at War.

The *Secretary at War* rose, and observed, that some former remarks which had proceeded from an honourable General (Burgoyne) rendered it necessary that he should trespass upon the attention of the Committee with the enumeration of some particular points respecting the amount of the expences of the independent companies, and the reasons for

raising them. As these companies had drawn the attention of that House into discussion before the holidays, he was rather glad to avail himself of the present opportunity for explaining the motives for raising those corps, which he hoped to be able to do to the satisfaction of the Committee. He wished to bring to the recollection of the Committee the three distinct and different objections which had been stated to these corps by the honourable General previously to the recess. It had been stated, that the raising of new corps was an unnecessary expence; that they had given an extraordinary extension of patronage to the Crown; and lastly, that a great profusion of public money had been occasioned by the measure. These were the objections which the honourable General had made to independent companies, and he was happy to be able to answer each of them; but he first begged leave to observe, that the intention of Government, in raising these independent companies, had been directly the reverse of the imputations conveyed in the three objections. It had been their intention to raise a certain number of men, but never to raise new corps, nor to increase the patronage of the Crown, nor to occasion any profusion of public money. He would endeavour to state fairly what the measure itself really was. At the time the measure had been adopted, it was indispensably necessary to raise a very large body of men with the utmost expedition, and at any rate more speedily than the general way of raising men would admit; and looking at what had been done on former occasions, particularly in the course of the last war, he saw nothing but expence and patronage in the modes then resorted to, and thence he thought the measure which had been adopted was the best possible mode of attaining the object, and that it might be easily justified. Sir George here entered into a detail on the business, for the purpose of shewing that it was not at all subject to either of those objections which had been stated by General Burgoyne. He remarked, that 5702 recruits were raised in little more than a month, at 10l 5d. per man; and that therefore the total expence of these men amounted to little more than 57,000l. This number of troops were raised at a time when the public service pressed very hard for them. Sir George also enumerated the Captains and Lieutenants, and after calculating all the expences, made the additional expence to the half pay amount to 8,580l. He trusted, that when gentlemen fairly and candidly considered the subject, all the imputations which had been made by the honourable General would be done away, but he could have wished that these imputations had not been made at all. He disclaimed any intention whatever of extending the patronage of the Crown, of raising new corps, or of throwing away the

the public money; and, in conclusion, he produced the following string of resolutions, and moved the first of them regularly:

155,287l. 5s. 5d. for reduced officers of land forces and marines, for 1791.

10,000l. on account of reduced officers of independent companies.

212l. 14s. 7d. for allowances to reduced horse guards.

55,092l. 10s. for account of reduced officers of American forces.

4,907l. 10s. for allowances of reduced officers.

3,161l. 10s. 10d. for officers late in the service of the States General.

9,710l. 4s. 3d. for pensions to widows of commissioned officers.

174,167l 4s. 3½d. for pensions of Chelsea Hospital.

5,911l. 4s. 3d for Scotch roads.

335,234l. 18s for extraordinary expences of land forces.

36,093l for subsidy to the Landgrave of Hesse Cassell.

The Secretary at War having sat down,

General *Burgoyne* asked him, whether he did not mean to state, on the side of public credit, the sums for which the former commissions of the officers promoted in the independent companies were now on sale?

General Burgoyne

The Secretary at War rose again; acknowledged that measure, and, from a paper in his hand, calculated that the saving would be, from twenty-four to forty thousand pounds or more.

General Burgoyne then proceeded to recall to the recollection of the House, the circumstances that passed relative to the present question.

In a debate upon the Army Estimates before Christmas, he had stated the levy of the independent companies to be the most lavish in point of economy, and the most indefensible in point of military principle, that ever was brought forward by office. He was called upon by the Chancellor of the Exchequer, to maintain that proposition upon a future day, when the House might be better prepared for the subject.— It was not his fault that the day did not arrive sooner; it was a point of honour not to let it slip when it should arrive, though he had little expectation of farther use to the Public, than that of holding out a warning and caution for times that most men thought, and hoped, to be remote. The events of this day set this discussion in a more important light. The Minister had brought a message from the Throne, indicating a new war; the Secretary at War had taken the occasion to express himself so *wedded* to the measure of independent

pendent companies, that he should recommend it again whenever new levies should be required.. He (the General) had now then a new claim upon the attention of the House, upon the *character* of that measure, (to use the honourable Secretary's own term) the renewal of which seemed to be imminent. He was at issue with the honourable Secretary. If what he had to lay before the House was ill founded in fact, or weak in argument, he should throw himself upon the candor of the House, under the apology of an honest intention: if, on the contrary, the measure, as now explained and defended, should appear to be as false in principle, and as pernicious in execution, as he had before stated it to be, he had no doubt of the honourable Secretary, however *wedded* to his former opinion, giving way, or being controlled, and the Public and the army being relieved from any apprehension of a repetition of such errors.

The General begged leave to re-state, very shortly, the prominent points of his charge in the former debate, not one of which (as he conceived) had been satisfactorily answered, after all the time taken for deliberation.

In forming the peace establishment, the point in consideration was, whether to maintain the number of men that were to compose it, in as small a number of regiments as possible, which would have been the more economical plan; or a far greater number of regiments, with a small proportion of private men to each, which was the more expedient plan, upon the principle, that having the officers, commission and non-commission, ready, an army of effective strength for war would be raised, upon an emergency, at very short notice. We had, therefore, during the peace, an army of officers; not a single new officer was necessary for an augmentation of ten, or even of fifteen thousand men. That position would not be disputed. The ground of argument for the levy of new officers, on the former occasion, and on this day, was, that men were not to be had by common means, or the usual bounties and modes of recruiting. That judgement was precipitately formed; no fair trial was given to the recruiting of the old corps. Men, it was said, did not come in so fast as the service required, at five guineas a man.—Suppose ten had been given, (a bounty that will be proved far short of what these companies cost) was there a Colonel of an old regiment who would not have pledged himself to complete it at that price, if given without competition of new corps, at higher price?——But why were not other encouragements to the recruiting service tried—encouragements more efficacious than money? From the reign of Queen Anne, there had been more than twenty acts of Parlia-

Parliament for this special, temporary purpose: by some, soldiers, after their discharge, had the privilege of setting up trades in any town or city, without being a freeman, or serving an apprenticeship; by others, they were exempted from burdensome parish offices, and serving in the militia; but the greatest encouragement of all, one founded upon justice, humanity, and every other principle of sound policy, was to enlist for a term of years, or to the end of the war. Many other encouragements of former times might have been tried. What an example was given, in a war within the remembrance of many men present, of persons of high rank, property, and influence, taking old corps under their patronage, attending the recruiting drum in person, and filling up the ranks with the true stuff for an army! Not the refuse of these streets, but the yeomanry of the country, serving upon principle, upon spirit, and upon attachment.— Why was not this spirit called for? While these means were neglected, Office had no right to say men were not to be had. Would the Minister say, men were not to be had for the old regiments upon an exigency like the last? If so, would he justify the having formed the present peace establishment exactly upon the model of the last, viz. that of retaining officers sufficient for fifteen thousand men more than the peace complement? Knowing, from late experience, that they could not be raised by ordinary modes, but thinking it enough to satisfy the House that the Secretary at War might be depended upon for a constancy in the measure to which *he was wedded*, and that he would be ready again to effect the levy, by adding three hundred officers to those already supernumerary, at the expence to the nation of above two hundred thousand pounds.

The General next proceeded to consider the levy of the independent companies, upon military principle. What was the criterion of an officer's pretensions?—Money. At the opening of a war with a half-pay list that would fill a volume; with regiments abounding with officers of merit; with a complaint (for such, however unjustly, had been thrown out) of want of alacrity in the recruiting service; for a spur to military spirit, a plan comes forth for destroying every claim of seniority, for suppressing every idea of emulation, except in expence; and money, money, is held out as the only possible spring of a soldier's promotion.— What had been the natural consequence? Let gentlemen read the paper upon the table: they would find the offers of about an hundred and forty Lieutenants had been accepted for raising companies; about forty had retracted. They would find the oldest Lieutenants fit for service in the military list,

[illegible] the year 1775; of which we shall only find among these Captains, two;—from thence to 1778, there are three;—of 1779, there is one:—from thence to 1785, there are fifty-two; making in the whole, fifty-eight.

From this statement, perhaps some attention to seniority might be pleaded; but mark the sequel. Of Lieutenants, from the year 1785, making above fourscore in number, twelve are so young as 1788, two years before the levy; sixteen so young as 1789, one year before the levy; and eleven so young as the year 1790, consequently not six months before the levy. Add, Ensigns of the Guards, and Cornets of Dragoons, seven, and it became demonstration, that nearly an hundred officers were put over the heads of all the Lieutenants in the army older than 1785. Would the House know to what number those Lieutenants amounted—without counting invalids, artillery, engineers, marines, or half pay, they amount to no less than five hundred and sixty-six. What a supercession! and upon what an avowed principle! These had money; those had only services

The next thing to advert to, was the estimate of the expence, a very different one from that which the Secretary at War had stated, yet one not to be contradicted.

	£.	s.	d.
Levy money of each company, at 3l. 3s. a man, 99 men rank and file -	311	17	0
Half pay of Captain, Lieutenant, and Ensign, at about 10s. a day, valued at 10 years purchase - -	1,825	0	0
	2,136	17	0
One hundred companies - -	213,685	0	0
Additional levy-men of 2l. 2s. for three companies, raised by Captains on half pay - . - -	623	14	0
	214,308	14	0
Deduct the value of the half pay of the said three companies, at ten years purchase - - -	2,737	10	0
Total expence of the levy - -	211,571	4	0
Which sum, divided upon ten thousand men, is, per man - -	21	3	1¼

But to admit, for the sake of argument, even the calculations of the Secretary at War himself, in point of expence, were no offers made to Government more economical than even

even those. The Secretary at War w... ...posal of a Nobleman, as eminent in his ... in every other point of character that adorns ... private life, and ought to create attention and ... in Government. He meant Lord Rawdon. The proposal from that noble Lord was, to raise a regiment, without levy money, or other expence to Government, and to take very nearly, if not the whole, of the officers from the half pay. The objects of the noble Lord did honour to his heart. After the object of serving the Public at an exigency, by a levy, upon true military principle, was that of restoring to effective service the officers of his late regiment, reduced at the peace, men of tried and confirmed merit, whom he could no otherwise assist. The non-commission officers, and great part of the private men of the same regiment, equally attached to the noble Lord, were ready, in the north of Ireland, to flock to their old colours. The regiment would have been immediately complete, without any future increase to the half pay, without danger or impediment to the recruiting service in England. Let the House reflect upon what possible principle such a proposal could be rejected; let them then compare the measure that took place instead of it. One circumstance of it, and a very paradoxical one, has not been observed upon, viz. that the contract, so injurious to the Public, was at the same time so hard upon the contractors, that above forty of them relinquished the undertaking soon after the outset, and many of those who continued, had to complain of partiality and injustice. The time given to the Captains for the levy was three months; and upon condition of their respective companies being completed, and approved, within that space, they became entitled to twenty months off-reckonings for cloathing, &c. The heavy contingent expences of the levy accrued at the outset, viz. hiring drummers, fifers, and several other necessary persons of the recruiting trade, and conveying them to their several stations; making up jackets, and other articles of what is called slop-cloathing, &c. all this the Captains undertook, upon the faith of being indemnified by the receipt of the off-reckonings. The recruiting was stopt in one month; and from all present appearances, the loss of preparation in all the companies, not sufficiently advanced in numbers to come within the new regulation for being accepted, will fall upon the Captains.

In regard to partiality and favour in the raising men, the General said he should be happy, if the honourable Secretary could refute many of the stories that were in circulation. He should mention such circumstances only as he could assert to be true. By the letter of service, "no man was to be enlisted "under five feet five inches high; nor under sixteen years of

 "age,

... thirty." Many gentlemen who adhered ... their orders, were the dupes of their obedience: ... encouraged, or the better informed, (from whence ... information came he did not pretend to say) certainly broke through all restrictions, but particularly that respecting thirty years of age. The General affirmed he would undertake to prove there were Captains who were permitted to enlist invalids; invalids actually belonging to companies upon garrison duty, and who had necessarily been discharged from the army as unfit for service.

The General next adverted to the case of the subalterns. Why were the Lieutenants and Ensigns who spiritedly, industriously, and honourably, had completed their quota, to be turned over to the pitiful indemnification of selling their men to the Captains? Why had they not the commissions to which, by the contract, they had a right? It was to save appearances, this miserable money traffic was substituted; to keep down the half pay, at the expence of justice.

The General said he should forbear to dwell upon the scene with which the execution of the contracts ended. It was a race between crimps, salesmen of flesh, drivers of human cattle, speculators, and jobbers; a disgrace to the army, and a reproach to the State.

The General hoped that nothing he had said would be construed to convey the smallest reflection upon the officers concerned; he knew some of great merit; he was not informed of demerit in any. The grievance upon senior officers, and the practices he had stated in recruiting, were the evils of the plan, and not imputable to the contractors. On the contrary, many of them, subalterns in particular, were most undeservedly sufferers.

The General then called the attention of the House particularly to the unprecedented measure which had been adopted, under the colour of saving, viz. that of selling the military patronage of the Crown. The honourable Secretary had avowed, that the prior commissions of officers who succeeded to rank in these independent companies were to be sold, and the money brought to the public account; and applause to Ministers was expected, no doubt, not only in point of economy, but also of disinterestedness, in relinquishing so much patronage as the gift of these commissions would have left in their hands. Such a patronage, he owned, would have been enormous; the money traffic he had already stated was abominable; but all the evil resulting, or that could have resulted, from one or the other, was trivial, and as nothing, when compared to the precedent of setting vacant commissions up to sale, for the benefit of the Crown or of the Public. It was alike subversive of military and constitutional

ſtitutional principle. The minds of British [illegible], [illegible] tinued the General) have hitherto been directed by [illegible] and noble ſyſtem uniting with general martial ardor, [illegible] love of their country, and a nice ſenſibility of private [illegible] nour. This principle carried them through the hard [illegible] tude of military life; the conſciouſneſs of having never ſwerved from this principle, brought comfort to the evening of their days, under broken conſtitutions, and broken fortunes. When Miniſters check, or divert, or ceaſe to encourage this principle, they know not what they do. It is the true tie by which a nation can hold its military ſervants; to counteract it, is a want of policy, as well as of ſentiment; but what ſhall we ſay of meaſures that go farther than the mere deſtruction of this principle; that go to ſubſtitute in its place the meaneſt, the moſt vulgar, and the moſt ſordid of human paſſions—money—money, the criterion of military pretenſions! Money, the price of the King's grace and protection! We have ſeen the War Office degraded to a Broker's ſhop. Were this traffic to continue, the deſks of the office would be better filled from Exchange Alley, than by the worthy gentlemen who now ſit there. In this traffic, what chance will ſtand the younger ſons of the beſt families in the kingdom, which are the true ſupply for officering an army?— What will be their proſpect in competition with the ſons of a Broker, a Contractor, or a fortunate keeper of a lottery office? What leſs chance ſtill will there be for another claſs of valuable candidates for commiſſions—the ſons of ſuch officers as I juſt now alluded to; men who have ſpent their beſt years and their paternal fortunes in the ſervice; veterans, who have been uſed to reaſon upon honeſt confidence that their zeal would be repaid by the protection of Government to their offspring; with honeſt pride that their boys had blood and education to deſerve it. Commiſſions to men of this deſcription are debts of juſtice from the State; but what would be the anſwer upon this new ſyſtem? Where is your money? Commiſſions! they are ſunk in the new ways and means—in the Stock Exchange of Whitehall.—— One would plead, his father loſt a limb at ſuch a battle; another, his father had an eye beat out at ſuch a ſiege. Why, Sir, the clerks would laugh in their faces; legs and arms bear no price, they would be told;—we cannot bate you a guinea for a whole charnel houſe of old family bone ; we have had an hundred independent companies; they have coſt the nation from two to two hundred and fifty thouſand pounds; who knows how many more may be wanted! We muſt have a ſet-off for the Houſe of Commons; where is your money?

[illegible] one other topic the General thought of great [illegible]: he should, however, only touch it, because, if [illegible] right, it would be taken up by gentlemen much more [illegible] to treat it. He meant, that the measure of selling the [illegible] commissions, was perfectly unconstitutional, in the light of raising money independently of Parliament. We were blessed with a King, in whose hands the constitution was safe; nor did he mean, though he opposed the present Ministers, to insinuate they had designs against it; but it was in good times, when there was no cause for suspicion, that the House ought to be cautious of innovation; and he saw no reason, why a wicked Minister hereafter might not, upon this precedent, advise a sale of military rank, by brevet, to any extent.

After resting some time upon this subject, the General concluded with saying, that in what he had laid before the House, he had been actuated by a feeling which he should be ashamed not to possess; but he hoped he had spoken without disrespect or incivility to any man. He did not know whether he was to address that protestation to the present or the absent. It was the misfortune of the army, and of the nation, to have no visible military adviser of the Crown. The honourable Secretary, it was true, stood forth a volunteer the last year, to answer for the conduct of the military department: it was a gallant undertaking, and gallantly the honourable Secretary had gone through it in the present instance. He would, nevertheless, advise the honourable Secretary, (and it was no unfriendly counsel) upon the next augmentation, to call in other assistance. If there was to be no Commander in Chief, there was yet a Board of War—a most respectable Board of General Officers, not one of whom, excepting the unworthy individual then speaking, was not qualified to give sound and sufficient opinion in the greatest points of the military establishment. That Board was frequently summoned; it was frequently employed to consider of hats and halberts, and other very necessary but small objects of the service; but it could not pass without observation, that when a consideration of the magnitude of a levy of fifteen thousand men was in question, a Board of War-Office clerks seemed to have been thought the more proper council. He instanced a noble Duke at the head of the Ordnance, who, with all his knowledge and weight in his department, had not disdained to call in such council. He recommended to the honourable Secretary to follow the example, and pronounced, that for want of it, the first measure of the independent companies had been founded in wanton prodigality, the last in disgraceful parsimony.

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The *Secretary at War* declared that he was far from consenting to the supposed justice of the idea, that to consult the Board of General Officers on every occasion, could not be improper; and he apprehended that to put the command of the army into commission, which such perpetual consultations must absolutely effect, would prove as unconstitutional as any point which the honourable General had alledged against the mode of levying the independent companies. The War Office had never used the language imputed to it by the honourable General. Officers, on applying there, had never been told, "Bring us the money." But the uniform language was, "The Public wants men, and wants them "immediately. If you can give us such assurances as we can "rely on, that you have the means of raising the number "for which you are willing to engage, within a limited "time, you will do an essential service to your country; "but we request, that you will undertake nothing which "you are not certain of being able to execute." Such had been the language of the War Office. No question was asked, with a view to giving rank to one officer in preference to another; and if the honourable General knew of any instance of such partiality, he requested him to state it. With regard to the terms of the letters of service having been dispensed with in particular instances, by passing men above the age prescribed, he had heard of no example of this kind, nor did it fall within his department to observe it. This he knew, that the officer under whose inspection the men were to pass, (Colonel Fox) was an officer, of whom, without naming him, he might be allowed to say, that one in whom confidence might be more properly reposed, could not have been appointed. Under that officer's inspection, he did not believe that any such irregularity had taken place, much less that it had been allowed partially, or as a matter of favour to any individual. The sale of the commissions, which had been so much insisted on, were not taken out of the common course, which he conceived to be a full and complete answer to all which had been said against it. The whole, then, amounted to this, that the recruiting of the old regiments went on so slowly, as made it evident that the necessary number of men could not be obtained within the time required, and Government had recurred to raising independent companies as the least expensive, and the most effectual remedy.

This, he said, they had done with no view to increasing patronage; for, the companies, as fast as they were raised, were to be attached to old regiments, and to be employed as the recruiting companies of the regiments on actual service. He

He was ready to bear teſtimony to the gallantry and the public ſpirit of the noble Lord (Rawdon) whom the honourable General had mentioned as offering to raiſe a regiment; but the Committee would recollect, that the noble Lord ſtipulated for the appointment of all the officers; and he could not ſee what difference it made to the Public, whether the Colonel of a regiment, or the Crown, nominated the officers.

General Burgoyne

General *Burgoyne* diſavowed having glanced, in the moſt remote degree, at any failure in the conduct of Colonel Fox in paſſing recruits. He ſpoke of Colonel Fox in the higheſt terms of praiſe, and explained, that in the inſtance to which he had alluded of enliſting invalids, the men had not come under the inſpection of Colonel Fox.

The right honourable Secretary, the General ſaid, muſt recollect, that the officers of the regiment which Lord Rawdon offered to raiſe, were all, except one, to be taken from the half pay, without being raiſed to any higher rank than they held before; ſo that the half-pay liſt would have been relieved in the firſt inſtance, and no addition made to it when the regiment was reduced. It was ſingular, that the Board of General Officers ſhould be conſulted on trifling alterations of arms and cloathing, and yet be conſidered as unfit to adviſe on the beſt mode of recruiting the army. Certain, however, he was, that if they were to be conſulted, the raiſing of independent companies, on the principle of the laſt, would prove a meaſure upon which, leaſt of all others, they could beſtow their encomiums.

Lord Fielding.

Lord *Fielding* remarked that, in his opinion, the two moſt adviſeable modes of recruiting the army, on an emergency, were, firſt, by appointing an additional Field Officer to each regiment. It was well known that the Colonel was, in general, ſcarcely more than the proprietor of a regiment, and had very little to do with the command of it; and, on actual ſervice, one or both of its Field Officers was often at a diſtance from it. The appointment of a third Field Officer would, therefore, prove a general advantage; and by this alone, with the ſeveral promotions to which it would make an opening, a very conſiderable number of recruits might be expeditiouſly obtained. The ſecond mode was that adopted by William Duke of Cumberland, a great, though not always a victorious General, of adding a ſecond battalion to old regiments.

Having had, he obſerved, the honour of raiſing a company in the late war, which, as well as the regiment to which it belonged, was complete, he could, from his own experience, affirm,

affirm, that men were expeditiously obtained by raising new regiments.

Colonel *Tarleton* remarked, that it was evident, from the able arguments which had been urged on that side of the House, and the little answer which had been given from the other, that the mode adopted was an improper mode of raising men for His Majesty's army. The measure stated by his right honourable friend, at the end of the war, as a fit peace establishment, was what would have best suited the finances and general situation of the country. It had been contended at that time, by the honourable gentlemen now on the other side, that it was proper to reduce the army to a skeleton in point of strength, without reducing their numbers. This system had been in consequence adopted; but it had of late been departed from, and a mode pursued in its stead, which was pregnant with mischief to the service, and dangerous to the constitution of the country. There was no Commander in Chief, who might be responsible to the country; whence no encouragement was given to the old regiments to recruit their former vigour; but, according to the novel system adopted at the War Office, independent companies were to be raised, and this was holden out as the best and most expeditious way of obtaining recruits for the army. If, instead of young officers, the Colonels of the old regiments had been called upon, would they not have taken the most effectual means for ensuring success to the public service? Would they have been forgetful of all the reputation and glory they had formerly acquired in the army? Another essential point to be observed was, that the different marching regiments had been named from the different counties of England, and would not those counties have been forward in furnishing recruits to their own regiments, than to the crimps or brokers in commissions? By holding out patronage to young men at the commencement of the service, the War Office had occasioned great profusion and unnecessary expence. The other side of the House had asserted one thing, and that side had asserted another. The other side of the House now declared that the independent companies were designed to have been incorporated into the old regiments. But, from reason and calculation, the Colonel flattered himself that he could have proved, that if this country had been involved in a war, those corps would have remained as independent companies, and would have greatly extended the patronage of His Majesty's Ministers. He reprobated the measure as one of the frightful features of that conduct which had ended in an obnoxious convention. He asked, if twenty guineas a man were to be given at the commencement of a war, where

Colonel Tarleton.

[illegible] [illegible] and [illegible] upon, and at what price, some years after it had continued? He observed, that they collected the opinions and reasonings of their ancestors from history; but by personal observation, they were able to speculate and enquire into the character of their contemporaries: and when the experience of a few years should have drawn aside the veil, which had been artfully placed between the convention and the Public; when posterity (he had almost said modern posterity) should have an opportunity of sifting, and examining to the bottom, a measure founded in ignorance and defended by mystery, they would condemn it on every principle of justice and true policy. The few thousand pounds incurred by the measure then under consideration, was only the advance guard of expence; the main body would soon follow: and he must beg leave to ask, what compensation a little whale oil or whale bone could possibly prove, for the enormous expenditure of three or four millions sterling.

Col. Fitzpatrick. Colonel *Fitzpatrick* considered the resolution then moved, as the fullest confirmation of his own opinion on the subject; and his own opinion was well known to the Committee.—With regard to what had been urged concerning the necessity for a Commander in Chief, and of there being at all times some one man in a situation responsible for the conduct of the army, and of all military affairs, he was fully convinced of it, and could only lament, that the rights of the army were entrusted to civil hands, because whenever that was the case, without meaning to reflect upon the present, more than any other War Office, he was satisfied that injury and injustice must prove the unavoidable result to the profession.

Colonel Simcoe. Colonel *Simcoe* declared, that it was impossible for him to have listened to the just and liberal remarks of the honourable General (Burgoyne), without rising to add his feeble testimony to all which he had advanced concerning Lord Rawdon, and to do the noble Lord the justice to say, that, to his knowledge, he possessed every virtue which could ornament a soldier and a gentleman. He was not aware that Lord Rawdon's offer had been on such terms as were stated, but he believed that all the officers, his brother alone excepted, who was an officer of great merit in the service, were proposed to be taken from the half pay list. Colonel Simcoe discussed the usual modes of recruiting, which he said were two fold, one by way of regimental recruiting, the other by giving rank to such men of spirit and fortune, as would take it up on condition of raising a certain number of men. With regard to the first, the officers upon that duty were obliged to refuse all but such men as would answer a particular description, because they could not stand the risque of having

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every seventh man became a [illegible] when they were car-ried on the recruiting service for profit; whereas [illegible] under the other head of recruiting, stood forward with their fortunes to obtain preferment on procuring a certain num-ber of men, it was worth their while to run all risques, or rather, by the large bounties they gave, to prevent any risque. Much had been observed concerning those officers who offered their services, on the plea that their fathers and relatives had distinguished themselves in the army; such men ought, in his mind, ever to be considered as the children of the Public; sure he was, for he had known several instances of it, that they were always cherished, assisted, and encou-raged by the other officers, who gave them the best advice on all occasions. Upon the whole, the Colonel said, he must, in so many words, give it as his opinion, that the mode of recruiting by raising independent companies, was, in cases of pressing emergency, extremely desirable, since the being by those means enabled to raise ten thousand men on a sudden, when not a fourth of the number could be procured in the regular way of regimental recruiting, must have a striking effect upon our enemies, and give them a strong impression of the activity, vigour, and spirit of the country. The usual mode of accepting offers to raise men, by those who did not expect to rise higher than the rank of Captains of companies, he believed, was, to enquire if the parties were sure of any fortune or allowance over their pay; be-cause it must, he should imagine, be obvious to the whole House, that regimental pay was not adequate to the support of any subaltern officer; and if officers of approved merit had no such means of eking out their military income, an aug-mentation of their pay most certainly must deserve the serious and benevolent consideration of the House.

Colonel Hartley.

Colonel *Hartley* contended that it was striking at the very root of an army, to adopt, at the commencement of a war, such a mode of recruiting as raising new corps. He had known a man who would, at one time, have been glad to take three guineas levy money in the regular course of re-cruiting, who had refused to take eight of a recruiting ser-jeant, after he discovered that independent companies were to be raised.

Lord Fielding

Lord *Fielding* urged the mischievous consequences of giv-ing such large bounties at the commencement of a war, as were known to be offered by the agents of those who had rank for raising a certain number of men

Mr Thomson.

Mr. *Thompson* remarked, that at the opening of the investi-gation of the present subject, he had declared his satisfaction that it was to be considered more deliberately at a future day; and the reason why he had so expressed himself, arose from a

hope

[illegible] would, in the in[illegible] abandoned a system of recruit[illegible] the military service, so palpably calculated [illegible] the patronage of the Crown, and so wide of economy. To the right honourable the Secretary at War he was to impute all the blame, not only of the measure but of the bad consequences which had followed it. It would, he should imagine, be generally admitted, that it was the invariable rule for all contracts to be solid and binding on both parties, and most especially such contracts as did not bear about them the shackles and trammels which the law had provided for the security of the contractor in ordinary cases, but which depended solely upon honour and good faith. The new corps had been raised upon a pretence of asserting and maintaining the national honour abroad, and yet, in the mode of raising them, the right honourable the Secretary at War had contrived to stab the honour of the British army at home, by violating the conditions on which the contracts for raising the independent companies had been expressly made. The letter of instructions to those whose offers of raising the new corps were accepted, contained the conditions on which they were to be raised. Let the House, therefore, see how the right honourable Secretary at War had abided by those instructions! Mr. Thompson declared, that in the instructions it was conditioned, that the officers' commissions should be made out from the day that their corps were declared to be complete, and yet, to his knowledge, those whose corps were declared to be complete in 1790 had their commissions dated in 1791, and had actually received only the pay of Lieutenant while they were serving as Captains. This had occasioned loud clamours and complaints without doors, and certainly with great justice. In conclusion Mr. Thompson observed, that the recollection of the [illegible] duty which he owed to his constituents, had impelled him to a statement of these facts; nor could he drop [illegible], without expressing his surprise and indignation at the circumstance of the War Office being converted into an auctioneer's room, and the Secretary at War acting as a broker of commissions.

Secretary at War. The *Secretary at War* answered, that he was much obliged to the honourable gentleman for the notice he had been pleased to take of him, but he did assure the honourable gentleman, and the Committee, that he had never heard of such complaints as the honourable gentleman had alluded to, nor did he believe they had any foundation.

Mr. Fox. Mr. *Fox* expressed his conviction that the adopted mode of raising troops was expensive and inconvenient, and tending to damp the spirit of the army. He wished only to speak

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to two points which had received no fort of anfwer. He did not mean to argue them, but merely to give his opinion, fince he conceived they needed only to be mentioned, to make a due impreffion on the Committee. The firft of thefe was the giving rank to thofe who got men, without regard to their ftanding in the army. That appeared to him to be a principle adverfe to all military fpirit, and tending to make the officers of the Britifh army worfe, and lefs anxious for the fuccefs. The other part was the conftitutional point, of which, notwithftanding its importance, no notice had been taken. He meant the novel practice of felling commiffions, and applying the money raifed by their fale in diminution of the half-pay lift expence. He declared he did not fee how this practice could be reconciled to any other principle than that moft unconftitutional one, the raifing money on the fubject, without either the fanction or confent of Parliament. It had been faid that, on the prefent occafion, it would reduce the half-pay lift expence ten thoufand pounds; but Mr. Fox declared that, rather than countenance a practice fo likely to damp the fpirit of the Britifh army in future, and fo incompatible with the principles of the conftitution of the country, he would vote for the payment of forty thoufand pounds out of the public purfe.

The queftion was now put and carried, and after the other refolutions were voted, the report was ordered to be received upon the morrow.

The Houfe adjourned.

Tuefday, 29th March.

The order of the day for taking the King's meffage into confideration being read,

Mr. Pi[tt]

Mr. Chancellor *Pitt* rofe, and obferved, that he was well affured that the Houfe would coincide with him in the idea, that it could not be confidered but as a matter of great regret, that His Majefty's reprefentations, in conjunction with his allies, for the purpofes of re-eftablifhing the peace of Europe, on a permanent bafis, had hitherto proved ineffectual; yet, whilft they felt the advantage of that fyftem of defenfive alliance which had been fo generally countenanced, he trufted that they would admit that a temporary expence might be wifely and judicioufly incurred, to prevent any alteration taking place in the relative condition of the powers of Europe, that tended materially to weaken the fecurity which we expected to derive from that fyftem. On this ground, the attention of His Majefty's Minifters had been directed to the general ftate of affairs in Europe; an additional force had been kept up, with the approbation of the Houfe, after the late armament, becaufe the fituation of affairs feemed to

 call

[illegible] was now judged expedient, [illegible] that situation rendered it necessary. The [illegible] would see the propriety of perse- [illegible] the defensive system, and whatever opinions might [illegible] entertained respecting the general policy of continental alliances, or our immediate interest in interfering in the disputes of continental Powers, there could be no difficulty in admitting, that if defensive alliances were to be maintained, it was our duty to adhere to those alliances, and our interest to prevent any changes in the general state of affairs, which might render them nugatory and insufficient. It had once been a prevailing opinion in this country, that Great Britain, from the peculiar advantages of local situation, might maintain her rank and her consequence, unconnected with foreign powers; but from the moment that this opinion was abandoned, and we had connected ourselves with other powers, there could be no doubt but that we were under the necessity of watching the progress of events in Europe, and taking measures to prevent the intent and purpose of those connections from being defeated. As little would it be doubted that the influence of the Turkish empire was of great effect in the general scale of European Powers, and that the present situation of it was such as to afford just cause of apprehension to all the other Powers whose interest were in any degree liable to be affected by a diminution of that influence. In particular, the power and ability of our ally, the King of Prussia, to give vigour and efficacy to the defensive system, into which we had entered with him, must be greatly affected by a diminution of the influence which the Turkish empire has hitherto maintained. Any point tending to render the power of that empire in Europe precarious, must necessarily affect Prussia, and be highly detrimental to our interests, as far as they were connected by a common object with his, the object of mutual defence. Whatever might prove the result of the war in which that empire was unhappily engaged, if it went to increase the power of Russia, the effect of it would not be confined to the two Powers alone; it must be felt by the rest of Europe, and felt more immediately in that quarter, with which, in point of interest, we were most intimately connected. From these reasons, it was evident that we had a direct and important interest in the event of the war, and were not led to interfere by any remote or contingent hope of advantage. The House was informed that His Majesty had made use of representations to secure the interests of his subjects, and his allies. They were apprised that, in order to give greater weight to his representations, he had judged it requisite to make an addition to his naval force; and it remained for the House to decide whether

whether it was not more [illegible] with policy, to act with prudent foresight, and avoid impending evil by precaution, than to delay the remedy till the mischief was actually felt. In conclusion, Mr. Chancellor Pitt moved,

"That an humble address be presented to His Majesty, "to return His Majesty the thanks of this House, for his "most gracious message.

"To express our regret that the endeavours which His "Majesty has used, in conjunction with his allies, to effect "a pacification between Russia and the Porte, have hitherto "been unsuccessful.

"That nothing can more evince His Majesty's constant "attention to the welfare of his subjects, and his concern "for the general tranquillity, than his anxiety to contribute "to the speedy termination of a war, from the farther pro-"gress of which His Majesty apprehends that consequences "may arise highly important to the interests of His Majesty "and his allies, and to those of Europe in general.

"That as, under these circumstances, His Majesty judges "it requisite, in order to add weight to his representations, "to make some farther additions to his naval force, his faith-"ful Commons think it their duty to assure His Majesty, "that they shall be ready to make good the expences which "may be incurred by these preparations, for the purpose of "supporting the interests of these kingdoms, and of con-"tributing to the great and important object of restoring the "tranquillity of Europe on a secure and lasting foun-"dation."

Mr. Dundas seconded the motion.

Lord Wycombe.

Lord *Wycombe* observed, that on the first hearing of this report, he had met it with a positive disbelief. He could not think that Ministers would rashly adopt a measure which came recommended neither in a commercial nor a political point of view. As a commercial measure, he would ask of any mercantile man in that House, whether benefits could be hoped for in any degree equivalent to the mischief attending on hostilities. In a political point of view, he could not think that a dispute concerning the frontiers of Turkey, was a sufficient motive to engage this country in a war. At all events, he should resist the measure, until the House was possessed of a more adequate share of information on a subject of so much importance.

Mr. Coke.

Mr. *Coke* (Member for Norfolk) expressed himself not disposed to enter into the views of the Minister in this instance, as he by no means entertained that confidence in his abilities or his integrity which seemed to actuate other gentlemen. The great and loyal county which he represented, were

were also, as far as he could collect, decidedly averse to the measure. He therefore arose for the purpose of moving an amendment to the Address.

The amendment proposed that, leaving out the pledges and assurances contained in the original motion, "the House "should assure His Majesty of their concern for the hostili-"ties which still prevail in the remote parts of Europe; that "they did not understand that the possessions of this king-"dom, or its allies, were in any wise threatened; and that "they should not do their duty to their constituents, if "they were to load them with additional burdens, for the "maintenance of interests which were neither explained nor "understood by that House."

Mr. Lambton.

Mr *Lambton*, rising for the purpose of seconding the amendment, remarked, that when the House was called upon to vote an armament, in the course of the preceding year, they voted it unanimously, because they were told that the honour of the nation had been insulted. The honour of a nation was the strongest possible ground for demanding satisfaction by force of arms. It was that without which no nation could exist in safety, nor long in independence. It was the vital principle, on the true tone of which, like the heart, the health of all the other parts of the body politic depended, and with the suspension of which, all their functions were suspended. Whenever it received an injury, a strong and efficacious remedy must be applied; but if this remedy was applied to trivial occasions, if the whole frame was be shaken on every trifling complaint, the remedy must become converted into the disease. Upon the present occasion, he might fairly ask, in what respect was the national honour insulted now? Where was our commerce attacked? Where had the protection of our flag been violated? Why then were we to be exposed to the hazard of a war, with all its concomitants of interrupted trade, and aggravated taxes? It was impossible to deny that the armament which the House was called on to support, and the purposes for which it was undertaken, did not look like war, and might probably lead to it. Were he to give his opinion of the real cause of this measure, he should say it was undertaken to second the views of Prussia. What friends had we in the Baltic to protect? what advantages had we to gain? and where were our ships to look for shelter, in case of a disaster from the force of the enemy, or, what was more to be dreaded, the violence of the elements? He might be told we should possess ourselves of Dantzick; but that was an advantage as yet only in prospect. There was nothing in the war in which we were going to engage to benefit the country, or to animate the seaman. There was no recompense held out for his toils, no prize to reward his hard-

hardships. The Calmucs [illegible] worth his conquest. We had little to expect but bearskins, and as we had expended four millions to obtain catskins from the north west of America, we might now add blood to treasure to gain bearskins in the north east of Europe. How would the husbandman and the manufacturer submit to the unavoidable increase of taxes for such objects? When the latter, working out a hard-earned living by the light of his farthing candle, was called upon for his increase of taxes, what answer would the collector be able to give him, were he to ask for what advantage to trade he was thus additionally burdened? Of this all was kept in the dark, when nothing but a clear statement could justify what they were called upon to support.

Mr. *Martin* declined, that since the information, which alone could enable the House to judge of its propriety, was refused, he did not think it becoming to vote for the address. He had often heard that Ministers were entitled to confidence, because they were responsible for their conduct; but during fourteen years that he had sat in that House, he had never known that responsibility produce any good. Could it be [illegible] that the supplies for which they were called on to [illegible] the House, were for the purpose of restoring peace to [illegible], and [illegible] end was likely to be effected, he should [illegible] vote for the Address, but not otherwise.

Mr. *Vyner* expressed his surprise, that as neither our colonies [illegible] to have been attacked, nor our commerce to have received any detriment, the House should be called upon [illegible] armament. He would cheerfully vote an address of thanks to His Majesty for his gracious message, which, he thought, [illegible], that His Majesty, distrusting the wisdom of his Ministers, had applied to the House for advice, which the House was competent to give, and which they were bound in duty not to withhold.

Mr. *Steele* observed, that were the finances of the country even beyond their [illegible] flourishing condition, or as low as some persons [illegible] to represent them, he should think it equally incumbent on the House to avoid unnecessary expence. They were now to consider whether the expence proposed was a useless expence, and whether it was necessary for Great Britain so to interfere in the present war on the Continent, as to prevent the Empress of Russia from obtaining any considerable augmentation of power, at the cost of the Turkish Empire. This he conceived to be a question that admitted of no doubt, from the predicament in which we stood, with respect to our allies, and our [illegible]perience of the disposition of the Empress towards us. [illegible] could not forget, that when we were engaged in an unequal contest, she

Mr. Martin.

Mr. Vyner

Mr. Steele

[illegible] put herself at the head of an armed neutrality peculiarly hostile to our interests. This he did not state vindictively, but as a circumstance to shew what we might expect from her were her power to be increased in proportion to her inclination to act against us. Gentlemen had no right to insinuate that the motives assigned for the additional armament, were not the real motives, till they had the means, as they had the power, of coming to proof. With regard to the message being an application by His Majesty to the advice of the House, in distrust of the wisdom of his Ministers, it was rather extraordinary, that when the King's speech was always considered and always debated as the speech of the Minister, the King's message should not fall under the same construction. That message had not been sent, nor the measure to which it related brought forward, till every other means of accomplishing the object, which, he contended, it was as much for the interest as for the honour of the nation to accomplish, had been tried; but there were gentlemen whose constant practice it was to oppose all the measures of Government; and it was naturally to be expected that they would oppose the present.

Mr. Cocks.

The honourable Mr. *Cocks* declared, that he meant not to oppose a rational confidence in Ministers, but that blindfold and ignorant confidence which the House was now desired to confer. He wished to judge favourably of Ministers, and he thought that they had acted well, till the present occasion; but he could not think that they had any claim to the extent of confidence which they at present demanded. After the cheerful support which they had received in their armament against Spain, to call so suddenly for the support of the House to another armament, without assigning any intelligible reason for it, or giving the House any information respecting the necessity of it, was neither more nor less than to say they would call for the last farthing of the public money, and for no other reason but because they chose it. This was not to merit confidence, but to invite indignation. They demanded money to support Turkey. They might as well make the Government the Government of Turkey. A procedure of this kind was not merely running beyond the bounds of justice, but it was adding insult to injury.

Mr. Fox.

Mr. *Fox* declared, that no person had perhaps ever shewn a more complete forgetfulness, or disregard of facts, than the honourable gentleman who spoke last but one, in his illiberal charge against him, and the friends with whom he had the honour to act. Had the honourable gentleman intimated merely in general terms that they opposed all the measures of Government, it would have been a gross aspersion; but the House would recollect, and the honourable gentleman

could

could not well have forgotten, [illegible] arma-ment within a few years, and he could appeal to every gentle-man who heard him, whether he had oppoſed either of the former two, nay, whether he had not given them his cordial ſupport. We had armed in 1787, to prevent Holland from falling, by means of a party, into the hands of France. The event had been decided before the Parliament met; but when Parliament did meet, had he cenſured the meaſure or the ob-ject of it? Had he not frequently gone rather out of his way, to expreſs his approbation of both? We had armed again, in the courſe of the preceding year, to obtain ſatisfaction for an injury done to Britiſh ſubjects, and for an inſult offered to the Britiſh flag. Would the honourable gentleman ſay, that he, or his friends, had not cordially concurred in the prin-ciple on which that armament was undertaken, although they had deſired to know whether proper ſteps had been taken to prevent the neceſſity of it, and expreſſed their diſſatisfac-tion with the convention to which it led? This was not all; there were other objects connected with the armament, on account of Holland; an alliance with Pruſſia, and a ſubſidiary treaty with Heſſe Caſſel. Had they diſapproved of either of theſe? The honourable gentleman had ſaid that they would oppoſe the preſent meaſure, becauſe he knew that, after the Houſe had been prevented from inquiring into the grounds of laſt year's armament, on the plea of confidence in Mini-ſters, pending a negociation, and afterwards into the merits of the convention, on the plea of confidence after the nego-ciation was concluded, it could only be approved by thoſe who thought proper to repoſe a blind confidence in Mini-ſters, or were led to approve by the partiality of official con-nection. His ſurpriſe at the preſent meaſure, if poſſible, ex-ceeded his diſapprobation. When he heard that things were proceeding to the extremity at which they arrived, he had lent an unbelieving ear, and contended that ſuch folly, ſuch madneſs, was impoſſible. With ſuch meaſures confidence could have nothing to do. Confidence in Miniſters was, in-deed, neceſſary on many occaſions; and for that ſort of con-fidence, whether in office or out, he had always been an ad-vocate; but even that neceſſary confidence was only a neceſ-ſary evil, and ought, therefore, to be always the leaſt that the nature of things would admit. No ſuch confidence as was now ſolicited had been aſked for in the caſe of Spain. The injury to be redreſſed, and the inſult to be vindicated, were fully ſtated on that occaſion; but, on the preſent, they had not come at all to the point. To admit ſimply, that the King, by the advice of his Miniſters, had ordered an ar-mament, and that the Houſe muſt pay the expence, was not in all the gradations of rational confidence; and the Houſe

 of

us a continuance of peace. This was an explicit declaration, of the highest possible authority, that Oczakow was not thought of such importance then as to be deemed the object of an armament, and a strong presumption that it was not the real object of the present armament. It might be said, that the former conduct of Ministers towards Russia was wrong, and that the present Ministers acted on another system. But was Russia obliged to know this? Was it her business to enquire what were the opinions of this Lord of the Treasury and that Secretary of State, or to look to the general policy and conduct of the country? With what surprise must she now hear that England, who had aided her in obtaining an establishment on the Black Sea, who had enabled her first to enter the Mediterranean, and who had refused to oppose her in seizing on the Crimea, was jealous of her power? If, she might reasonably observe, you were afraid of my conquests, you ought to have prevented my being attacked. Conquest is the necessary consequence of war with my enemy, against whom defensive war would be ruin. Let not the House attempt to disunite effects from causes, or suppose that a power attacked was not to repel attack by conquest, if the fortune of war turned in its favour. In all interferences with foreign nations, justice was the best foundation of policy, and moderation the surest pledge of peace. If there was nothing of a vindictive spirit in our conduct, the honourable gentleman who mentioned it might as well have passed it unnoticed. If there was, it applied equally to Sweden and to Denmark, for both had acceded to the armed neutrality. It applied still more to the Court of Berlin; for the late King of Prussia, it was well known, had stirred up that combination. But were the late King of Prussia now alive, would he, on that account, introduce a spirit of revenge in his policy towards him? Undoubtedly not: it was a principle on which he would never act, and as much opposed in public as in private life. Whatever confidence might be claimed by Ministers, none could be due where they had betrayed incapacity; and this the present Ministers had done in the continental connections; for they had not followed up their defensive system with consistency. In the negociations at Reichenbach, when they found the Emperor disposed to peace, they had neglected the opportunity of engaging the Empress by the same arguments which induced him to consent, and which were then in their power. They had stimulated Sweden to attack Russia; prevented Denmark from assisting her; then neglected Sweden, and tamely, or ignorantly, suffered an active enemy to be converted into an useful ally. Where was the policy of thus meddling and retracting? Of the armament against Spain,

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it had been said, that we ought not to look only to the south-west of America, but to the north east of Europe. If that armament was equipped with any view to Russia, deceit and falsehood were practised on the House; but when it was equipped, it might have been supposed that men's eyes would not have been [illegible] riveted to the south-west of America, that they could see nothing else, or that the Minister would not have been put into such a flutter by his dispute with Spain, as to be able to attend to nothing else, while that continued. After it was over, to what purpose did we disarm, if we knew that we had still an occasion for an armament? It was common to hear Ministers glorying in the situation of the country, while with an arrogant affectation of modesty, they admitted that many circumstances, in particular the state of France, had contributed to that situation in which their conduct had no share. The advantages to be derived from the state of France had been always considered, by every rational man, as those of reducing our expences, restoring our finances, and securing, for a long succession of years, the probable continuance of peace. How miserably had we been disappointed by our own conduct? By the absurd pride of interfering in the [illegible] of every foreign State, we had involved ourselves in [illegible], and obtained only the hazard of war. Neither [illegible] successful in any one instance, except that of Holland. We had not [illegible] Russia; we had not [illegible] Spain, [illegible] between the Emperor and his Belgic subjects, [illegible] had been absolutely ridiculous. [illegible] had [illegible] certain stipulations with the Emperor in behalf of the provinces; and when Marshal Bender was about to enter the Netherlands with an armed force, their Ministers at the Hague wrote to him, that he ought to stop till certain preliminaries were adjusted. His answer was a peremptory refusal. They then said, "You must take the consequences, "and we wash our hands of the business." He disregarded the menace, and took possession of the provinces, where, as was said, the Emperor had shewn a greater disposition to pardon than to punish; then those very Ministers came forward, and signed the treaty, the news was thought of sufficient importance to be dispatched by Lord Henry Fitzgerald, and we plumed ourselves on our success in that which had in fact been done without our concurrence. If our allies were attacked, or threatened, then, indeed, the honour of the nation would be concerned to interfere. We had no alliance with Turkey, and were only called on to gratify the pride of our own Ministers, and to second the ill-judged policy of Prussia. How far Ministers were pledged to support that policy, he knew not; but he knew that the country was not pledged to support it; and let the House abide by what Ministers

nisters had declared, and Parliament sanctioned, but pay no regard to their private engagement. The conquests of Russia towards the South could never interfere with the commerce of this country, nor give any reasonable ground of alarm to the King of Prussia, whose interest it rather was, that her view should be directed to that quarter; and Oczakow could be no acquisition to Russia, but for the purposes of defence. An alliance with Russia was the most natural and the most advantageous that we could enter into; and when he himself was in office, the Empress was well inclined to such an alliance; but the healing balm of all our errors, the hope that our first efforts would effect a peace, was delusive.

Mr. Pitt. Mr. Chancellor *Pitt* contended, that our attention to the affairs of Europe was a necessary consequence of our defensive system. That attention we could not give up, nor avoid interfering, where interference was necessary, without relinquishing that system entirely. This the right honourable gentleman was obliged to admit, because he had always admitted it. It was true that we were not called upon to interfere on every occasion; but much of the right honourable gentleman's doctrine would go to say, that we were not to interfere on any. The whole question then was, whether the present was an occasion on which we ought to interfere, and that it was, he hoped he should prove, on the grounds stated in moving the Address, without taking up much time. The right honourable gentleman tried to alarm the House, [illegible] that the present interference would lead to a perpetual interference; and for this purpose, he connected the present armament with that of the preceding year, although they were totally unconnected, both as to cause and to object. The right honourable gentleman had admitted that our interference was proper in the case of Holland, and the same principle which justified that interference, would apply equally to th[illegible] It could not be asserted that it was either unusual or impolitic to prevent the situation of neighbouring powers from being so altered as to endanger our own security. This right was admitted by the right honourable gentleman, as it arose out of a defensive alliance; but the same principle on which that right arose, the principle of self-preservation, must apply to cases in which there was no defensive alliance. We were bound by no treaty to interpose in the disputes of Holland; but, from the circumstances of the case, from the probability of securing a valuable ally to ourselves, instead of seeing the same power irrevocably attached to our rival, we were justified in interfering to restore the Government, and re-establish the authority of the Prince of Orange. O[illegible] [illegible]right, then, there could be no question, and

and the circumstances remained only to be considered. If it were true that Prussia, by the aggrandisement of Russia, must be endangered, and consequently our defensive system impaired, the circumstances actually called for our interference. It was, in this case, wise to anticipate the danger, and to endeavour to prevent that from being done, which, when once effected could not easily be undone, so as to bring matters back to their former situation. The right honourable gentleman had insinuated that Ministers were bound by engagement to Prussia, with which the country had nothing to do, and which Parliament ought not to support. He begged leave to assure the House, that the insinuation was unfounded, and that Ministers were bound by no engagements to Prussia, but such as had received the sanction of Parliament, and by their unbiassed sense of the British interests. The right honourable gentleman had given an able detail of the former conduct of Great Britain towards Russia, to prove that the present conduct was unjust; but this was rather a topic than an argument, for if it proved any point, it proved that when former Ministers had been wrong, future Ministers were not at liberty to pursue a different line of conduct, so that error once adopted, must prove perpetual. The state of affairs was not the same as now, at the periods to which he had alluded. Turkey was then closely linked with France, and we had no reason to interfere in behalf of the ally of our rival, nor cause to dread the aggrandisement of Russia. Admitting, for the sake of argument, what he would not admit in fact, that we ought to have interposed sooner on the present occasion, that was no reason against our interposing now, but rather an additional reason for interposing. But, had the necessity been so pressing at any former period as it was now become, or were such consequences to be apprehended, without a speedy interference. It was next said, that we had lost the opportunity of bringing Russia to terms of peace, when the Emperor was prevailed upon to treat. When the Emperor manifested a favourable disposition, would it have been wise to suspend the negociation with him, at the risk of their being entirely broken off, in order to wait for the concurrence of Russia? Pending our dispute with Spain, we were neither so fit to act as now, nor was the necessity then so urgent, and by endeavouring to combine two objects, which had no natural connection, there was some hazard, that [illegible] of them might miscarry. But why, it was asked, did we dismiss our armament after that dispute was concluded? We had not dismissed our armament; for we had kept up a considerable addition of force; but as the season of the year made it impossible to act for several months, we had not

kept up a force of fifty ships of the line, the number then in commission; because it would have been done to no purpose, and the expence would have exceeded that of the present armament. In the aggrandisement of Russia, and the depression of Turkey, our commercial and our political interests were both concerned. Whatever might have been the state of the question when we thought that we were able to stand, independently of alliances, when we connected ourselves with Holland, as a powerful naval ally, it was evident that we could not retain that connection, nor derive much benefit from it, without the accession of a power possessing a great land force. Russia, however favourably she might have been disposed when the right honourable gentleman was in office, although no proofs of such a disposition had appeared since, was not inclined to accede to our alliance with Holland; and if inclined, could not have afforded the necessary protection. We then contracted engagements with Prussia, by virtue of which it was our interest to take care that no change of circumstances, to the detriment of Prussia, should occur; and were it in our power to retrace the steps by which we had contracted those engagements, whatever errors might be discovered in the detail, we could find no alliance more advantageous than that of Prussia. Was it, then, a matter of no political importance that a change should be suffered to take place in the state of Europe, which would eventually prevent Prussia from rendering us those services which we had hitherto derived from the connection? If Russia should triumph over the Porte, then the situation of Prussia would be totally inverted, and instead of protecting the Dutch frontier, his utmost exertions would be requisite to cover his own. Would any man imagine, that the aggrandisement of Russia would not materially affect the dispositions of other Powers? that it might not produce an alteration in Poland, highly dangerous to Prussia? Was it, then, to be said, that we had no concern in the terms of pacification between Russia and the Porte? Many articles, the materials of manufacture, we received from Russia, but of [illegible] many could be obtained from other countries; [illegible] instance; and therefore we had a commercial interest in cultivating a trade with Poland, and preventing Russia from [illegible] such a decided command of the articles we want, as to give or withhold them at her pleasure. On these grounds, he trusted that the House would perceive that the policy of interposing was as clear as the justice was indubitable. But he was told that the House was called upon to [illegible] the measure on the ground of blind confidence of which the country already had cause to repent; confidence, in order to impart vigour and efficiency to Government,

vernment, must be given to those in whose hands the Administration was entrusted; like every other exercise of discretion, it had its bounds, and was neither unconstitutional nor degrading to those who gave it. If, as an honourable gentleman had said, he had seen no application to the responsibility of Ministers in fourteen years, it was either a proof that Ministers had not been guilty of any material faults in that period, or that Parliament had not been very diligent to mark them. He claimed only the same degree of confidence which had been granted to all his predecessors in office; and whenever the conduct of a Minister was disapproved of, he trusted that the displeasure of Parliament would operate either to effect his dismission, or bring him to punishment. Yet, even with these sentiments, he felt himself warranted in contending, that there was a degree of confidence so necessary to the very being and support of the executive Government, that it would prove criminal to withdraw it.

Mr. *Burke* observed, that as it might be the last time that he should have an opportunity of delivering his sentiments on a similar question, he could not refrain from offering a few remarks to the House. Mr. Burke.

He contended that there were two points which arose out of the debate, and that the first, the question of responsibility in His Majesty's Ministers, was equally novel as the other which followed.

The second point was extremely new, and contrary to all the policies with which he was acquainted, either ancient or modern, [illegible] into the consideration of the balance of power in Europe. Having combated what he thought an unqualified degree of confidence placed in the present Minister, Mr. Burke proceeded to shew the impolicy and danger of this country espousing the cause of the Ottomans. There were, he said, introduced into this novel diplomatic system, certain auxiliary principles of alliance, which bound us to support our allies against the Empress, in whatever quarrel she may be involved, though contrary to the manifest principles of the treaty with our allies, and which on our part amounted to a declaration of war. If this were the case, there was an end to the independence of Russia, as it was an encouragement to other countries to harass, and declare hostilities against her, should she proceed to war against any of those Powers which would be prompted, on these considerations, to invade her territories. This was, in fact, a declaration that the Empress had not power to defend her own territories. It was a menace, that carried with it, on the part of this country, the most bold, insolent, and daring language, that ever was used from one independent country to another. [illegible] Subject or [illegible] included

in its idea protection; but here the principle was reversed; for England had declared that Russia shall be dependent, and still unprotected. The question was not whether she should or not dismember Turkey, but whether she should possess herself of Oczakow or not; we have declared war on this principle only. Mr. Burke asked the House if, when Russia was in fact at the gates of Constantinople, if the Turks could require more than that we should preserve their capital, and procure for them a restoration of numerous places which had surrendered to the victorious arms of the Empress. If we had done thus much, did we not do all that our ally, in confederacy with her allies, could demand? In such a case, would not the Grand Prophet offer up prayers in his mosque, complimentary to the infidels who saved their metropolis. When the Empress of Russia had made these sacrifices, which she seemed willing to make, she condescended to do more than ever any victorious Prince or Princess condescended to submit to in her situation. When the alliance was made with Prussia and Holland, it was never supposed that it was for the purpose of preserving the general balance of power. There were other views, and these were, that the Empress should not have any territory or holding on the banks of the Danube and the Borysthenes. Was the treaty of Utrecht ever distinguished by any such consideration? No. He was astonished to see such a system adopted, as perverted the intention of keeping all savage and uncivilized nations from over-running the countries of Europe. To carry the Prussian alliance to this length was, indeed, establishing an anti-Crusade. It was to encounter the Empire and Hungary, whose progress in religion and humanity, within the last century, were objects of admiration, and should be nourished by every description of people who had any pretensions to civilization or philanthropy. The treaty he insisted, pledged posterity to trample them, instead of those more savage who were the enemies of religion, and undeserving the protection of a civilized nation. What was the real state of the question? Merely to plunge ourselves into an immoderate expence, to reduce the Christian nations on the banks of the Danube, to the yoke of the infidels, and make them the miserable victims to these inhuman savages; if we act in this wanton manner against the Empress of Russia, is it not rational to suppose that her vengeance will operate against us, when we may least suppose it, when the consequence may be fatal, and another armament required to repel her vengeance?

The House, at length, divided; and the numbers were,

For the amendment, 135; Against it, 228.

Majority, 93.

The

The queftion on the Addrefs, as originally moved, was then put, and carried.

The Houfe adjourned.

Wednesday, 30th March.

Mr. Powys.

Mr Powys obferved, that as an idea had prevailed that neither Great Britain, nor the reft of Europe produced a fufficient quantity of corn for their own confumption, he wifhed to afcertain the grounds upon which fuch an opinion was founded, and for that purpofe would apply for certain papers. He therefore moved,

"That an humble addrefs be prefented to His Majefty, "that he will be gracioufly pleafed to give directions that "there be laid before this Houfe, copies of information re-"ceived by the Committee of Privy Council appointed for "the confideration of all matters relating to trade and fo-"reign plantations, concerning the prefent ftate of agricul-"ture in Great Britain and Ireland."

Mr. Ryder.

Mr. *Ryder* contended, that the Privy Council could not give fuch information, without material inconvenience.

The motion was negatived.

Lord Courtown, in obedience to His Majefty's commands, made the following report of his anfwer to the addrefs of the Houfe:

"The addrefs of this Houfe of Tuefday, has been prefent-"ed to His Majefty, and His Majefty has commanded me "to acquaint this Houfe, that His Majefty receives with "great fatisfaction the affurance of the readinefs to make "good fuch expence as may be neceffary at the prefent junc-"ture."

The Houfe adjourned.

Thurfday, 31ft March

No material debate occurred.

Friday, 1ft April.

Mr. Powys moved for copies of all papers laid before the Privy Council, refpecting the average prices of grain in Ireland, Quebec, America, and Europe, with the expences of importation from the feveral places.

Mr. Ryder.

Mr. *Ryder* begged leave to remind the honourable gentleman, that the bill before the Houfe did not go to alter former corn laws, but to arrange them into a permanent fyftem, and therefore he certainly did not think himfelf obliged to lay any extraordinary information before the Houfe. It was true, that the Privy Council had collected information on the fubjects ftated in the motion, but that information was incomplete, and could afford but little fatisfaction to the

House; he could not, therefore, agree to the motion. There was a mode established by law for collecting the average prices of corn for Ireland; and if the honourable gentleman pleased, he might move for copies of those averages for any period he thought proper.

Mr. Powys. Mr. *Powys* contended that the bill, if not to alter, was to consolidate, and make permanent the former corn laws; a measure surely of so much importance, as to render every possible degree of information necessary. In the representation from the Privy Council, many points were stated as facts which required proof, and the House ought at least to have before them all the information of which the Privy Council was in possession.

The motion was negatived.

Mr. Sheridan. Mr *Sheridan* presented a petition from the Trades House of Glasgow, praying to be heard by counsel against the clauses that respect Scotland. He wished to be informed, whether it was meant to alter the clauses complained of; because he understood such an intimation had been given to the petitioners by the promoters of the bill. If those claims were not altered, he should have to present a petition against them, signed by more than twenty thousand persons.

The petition was ordered to be referred to the Committee on the bill, with an instruction that the petitioners be heard by counsel.

The Earl of Carysfort, from the Select Committee, who were appointed to try and determine the merits of the petition of Sir James Johnstone, Bart. complaining of an undue election and return for the district of boroughs in Scotland of Dumfries, Kirkcudbright, Annen, Lochmabon, and Sanquhar, informed the House, that the said Select Committee have determined,

That Patrick Millar, junior, Esq. is duly elected a Commissioner to serve in this present Parliament for the said boroughs.

And also, That the petition of the said Sir James Johnstone, Bart. did not appear to the said Select Committee to be frivolous or vexatious.

The House having resolved themselves into a Committee on the Catholic Dissenters bill, Lord Beauchamp took the chair; and immediately after the reading of the fourth clause,

Mr. Mitford. Mr. *Mitford* observed, that having a variety of new clauses to move, which could not be conveniently debated till they were before the House in a connected form, he should, therefore, propose to adopt them in the Committee, without debate, and to order the bill to be reprinted with the amendments, and re-committed on a future day.

The

The *Master of the Rolls* was of opinion, that if any other gentleman had amendments to propose, it would be proper to move and adopt them on the present occasion, as far as that could be done without debate, that the House, on the re-commitment, might have as much of the whole before them as possible.

Master of the Rolls.

Mr. *Fox* said, that he had an alteration to propose in the oath, and that he wished to know whether it would be better to introduce it immediately, or to wait for the re-commitment of the bill.

Mr. Fox.

Mr. *Mitford* answered, that the oath had been agreed to as it now stood, by the persons whom the bill was intended to relieve, and that he had no authority to make any alteration.

Mr. Mitford.

Mr. *Fox* rejoined, that the alteration was suggested to him by some of the persons interested in the bill, and related to that part of the oath which disavows the authority of ordinances or decrees of Councils, to absolve from any allegiance to the King and Government, and from the obligations of an oath. He next read the proposed amendment, the spirit of which was universally approved; and after some observations on the mode of wording it, by Mr. Pitt, the Master of the Rolls, Mr. Mitford, and Mr. I. H. Browne, Mr. Fox observed, the words were not of his chusing, neither did he think them the most proper, but they were the words of those who were to take the oath; and as the obligation of them was admitted to be complete, he should prefer them, on that account, to any other.

Mr. Fox.

The amendment was adopted.

Mr. Chancellor *Pitt*, adverting to that part of the oath which declares, "That no person can be absolved from any "sin, nor any sin whatever be forgiven, without sorrow for "past offences, and resolution to avoid future guilt," here remarked, that the House, as a legislative Assembly, might very properly exact a declaration, that no man can be absolved from moral obligation and obedience to the law; but it was totally beyond their province to require a declaration concerning points of doctrine which included the forgiveness of sins.

Mr. Pitt.

The propriety of this amendment was also admitted.

Mr. Mitford's clauses were severally brought up, and agreed to, *pro forma*.

Mr. *Fox* next remarked, that there were several alterations either made, or intended to be made, in the bill, to which he now gave notice that he could not agree, and which he should certainly oppose, although not perhaps to the extent of taking the sense of the House upon them. It was meant, he understood, to change the name, by which persons taking

Mr. Fox.

the benefit of the bill, were to be distinguished. Why any objection should be made against persons calling themselves Catholic Dissenters, who thought that the name was applicable to their situation, he could not comprehend. They had long been called by the name of Papists in this country; but we had also been in the habit of calling them traitors and murderers, with perhaps as much justice. Papist was an invidious name; and he need hardly say, in an assembly of well informed men, by no means applicable, in its strict sense, to the English Roman Catholics: as such, it ought not to be continued. It was also intended to prevent persons taking the benefit of the act, from exercising any patronage, which, in right of their property, they might possess, or present to any livings in the church. This he thought not only invidious and unjust, but absurd, inasmuch as that which was thought a sufficient security to the Government, ought to be deemed a sufficient security to the Church. The clause in the bill, which denied the benefit of it to any person who shall speak or write against the doctrine of the Trinity, was such as ought never to have been admitted into any bill, and the admission of it into this was peculiarly improper, since it was never imagined, but that Roman Catholics were sufficiently Trinitarian to satisfy the most orthodox Divine of the Church of England.

Mr. Martin. Mr. *Martin* remarked, that it would give him concern if the clause were retained in the bill. He should feel himself humbled in his opinion of the House of which he was a Member, and of the times in which he lived, unless it were rejected.

Mr. Mitford. Mr. *Mitford* answered, that he could assure the honourable gentleman that the change of name was introduced by the desire of the persons for whose relief the bill was intended. The article respecting the doctrine of the Trinity was preserved, because it was found in the Act of Toleration, and he intended to have left it out, for the sake of avoiding discussion.

Mr. Fox. Mr *Fox* said, that as far as that argument went, he rejoiced that the clause had been introduced, because he thought it a subject which ought to be discussed.

Mr. Pitt. Mr. Chancellor *Pitt* acknowledged, that to allow persons taking the benefit of the bill to exercise Church patronage, was a point to which he was not prepared to give his assent.

Master of the Rolls. The *Master of the Rolls* observed, not for the sake of immediate debate but of future consideration, that to declare that persons taking the oath, contained in the bill, should not be considered as Papists, would go a much greater length than it was meant by the bill to go.

The Chairman left the chair, the report was brought up, ordered to be printed, and farther confidered on the enfuing Friday.

The Houfe adjourned.

Monday, 4th April.

The Speaker acquainted the Houfe, that purfuant to their order [illegible] on the 25th day of March, he had, on Thurfday the [illegible] of March laft, fignified by writing to the United Company of Merchants of England trading to the Eaft Indies, the refolution of the Houfe of the faid 25th of March.

Mr. Henry Hobart reported from the Committee who were appointed to examine the lifts of nine perfons' names to be the Select Committee, to whom it is referred to examine and ftate the feveral accounts, and other papers prefented to the Houfe in this feffion of Parliament, relating to the public income and expenditure, and to report to the Houfe what has been the whole amount of the public income and expenditure during the laft five years, and what may be expected to be the annual amount thereof in future, and alfo what alteration has taken place in the amount of the public debt fince the 5th day of January, 17[illegible], and to report to the Houfe upon which nine perfons the majority fell; that the Committee had examined the lifts accordingly and found, that the majority has fallen upon the following perfons, viz. William Huffey, Efq., William Pulteney, Efq., Sir Thomas Charles Bunbury, Bart., Samuel Thornton, Efq., the right honourable Dudley Ryder, Daniel Parker Coke, Efq., Andrew Stuart, Efq., John Sargent, Efq., and Matthew Montagu, Efq.; and he read the report in his place and afterwards delivered it in at the table, where the fame was read.

Mr. Henry Hobart, from the Select Committee, who were appointed to try and determine the merits of the petition of George Tierney, Efq., complaining of an undue election and return for the borough of Colchefter, in the county of Effex, informed the Houfe, that the faid Select Committee have determined,

That George Jackfon, Efq. is duly elected a Burgefs to ferve in this prefent Parliament for the faid borough of Colchefter.

That Robert Thornton, Efq. is duly elected a Burgefs to ferve in this prefent Parliament for the faid borough of Colchefter;

And that the petition of the faid George Tierney, Efq., fo far as refpects the faid George Jackfon, Efq., did appear to the faid Select Committee to be frivolous and vexatious;

And alfo, that the petition of the faid George Tierney, Efq., fo far as refpects the faid Robert Thornton, Efq., did appear

appear to the said Select Committee to be frivolous and vexatious.

The following accounts were, upon motion, ordered to be laid before the House:

1. "An account of the number of vessels, with their ton-"nage, which have arrived from Russia in the several ports "of Great Britain; and also of the vessels, with their ton-"nage, which have cleared out from Great Britain to Rus-"sia during the last ten years, distinguishing the British from "the foreign."

2. "An account of the several articles imported from "Russia into Great Britain, from the 5th of January, 1789, "to the 5th of January, 1790."

3. "An account of the export to Russia from Great Bri-"tain, from the 5th of January, 1789, to the 5th of Ja-"nuary, 1790, distinguishing British from foreign goods."

4. "An account of the value of the imports into Great "Britain from Russia, during the last five years, and the "exports from Great Britain to Russia during the same pe-"riod."

Mr. Burke

Mr. *Burke* observed that, probably, the House would be surprised not to discover, when he informed them that he must beg leave to present a paper to them concerning an East-India subject, that, strange to tell, it was not an impeachment, but, what was still more strange, a petition from a person who had been long in the service of the East-India Company, and yet was miserably poor. It was the petition of Joseph Fowke, who held, during 56 years, an employment under the Company in India, which, added to the length of his father's services, made up no less than one hundred and six years, and, at the age of 72 years, he found himself in great indigence. According to a resolution solemnly entered into some years ago by the Court of Directors, it had been formally signified to the Company's servants in India, that if any of them, after a certain period of services in India, should desire to return home, they might be permitted to do so, and in case, upon oath made of the fortunes they returned with, it should appear that they were not worth ten thousand pounds, the Company agreed to make their income up according to the rate of 400l. as an annuity. Mr. Fowke, by the permission of Lord Cornwallis, had returned home from his station of Senior Private Merchant, about fourteen months since; he had made the requisite oath as to his fortune, and sworn, that so far from being in possession of ten thousand pounds, his circumstances were so straitened, that he had not much more than forty pounds a year to live upon. His case had been regularly laid before the Court of Directors, who had, nevertheless, refused to grant him any relief; unless

leſs it could be called relief that they had intimated to him, that he had their permiſſion to return by the firſt of the Company's ſhips, and reſume his ſtation in India. It was very natural for a man, at the age of ſeventy-two, to wiſh to remain in his native country, and await that perſonal infirmity which had ſince actually befallen him. Paſſed, therefore, as Mr. Fowke was, and not having any reaſonable expectation of a long remainder of life, it was not to be wondered at, that in his 74th year, he ſhould not be willing to undertake another voyage to India, in order to begin the world again: and upon theſe grounds, the petitioner, Mr. Burke ſaid, came to the Houſe for ſome relief under ſuch circumſtances of diſtreſs and miſfortune in the firſt inſtance, and ultimately of oppreſſion and injuſtice. Mr. Burke added, that he knew not how the Houſe could regularly interfere and take cognizance of the grievance alledged in the petition, but if they had the power, ſure he was, that it was their bounden duty to protect every perſon employed under the Government of the country, whether by direct commiſſion, or through the medium of the appointment of the Eaſt-India Company. Mr. Burke, in concluſion, declared, that he had no authority to pledge himſelf for the facts which he had mentioned as the grounds of the petition; the Company might poſſibly have good reaſons to alledge in juſtification of their conduct; and therefore, in order that the truth of the caſe might be aſcertained, and ſubſtantial juſtice be done to all parties, after the petition had been brought up and read, he ſhould move that it be referred to a Committee, to enquire and report to the Houſe.

The petition was preſented and read. The allegations of it ſupported the facts ſtated by Mr. Burke, and in particular laid great ſtreſs on the hardſhip the petitioner was obliged to undergo, by means of having been compelled to diſcloſe his ſtraitened circumſtances upon oath, if the Company did not intend to grant him the relief of the uſual annuity in caſes of ſimilar diſtreſs in other ſervants of the Company, who had returned home upon the faith of the Company's ſolemn reſolution and declaration to the effect ſtated.

Mr. Pitt. Mr. *Pitt* (Member for Glouceſter) propoſed deferring any inveſtigation of the petition, until the Chairman of the Eaſt-India Company ſhould be preſent in his place.

Mr. Burke. Mr. *Burke* anſwered, that the appointment of a Committee to enquire into the merits, did not tend at all to prejudice the Directors, and that he had already ſignified the nature of the petition to ſeveral of the Directors who were Members of that Houſe.

Mr. Le Meſur. Mr. Alderman *Le Meſurier* (the only Director of the Eaſt-India Company preſent) obſerved, that not having had

the honour of being in the direction at the time, when the caſe of the petitioner was under the conſideration of the Directors, he could only ſpeak upon the ſubject from the information of others, who were in the Direction at the period in queſtion; but from what he had heard, he conceived that his brother Directors could aſſign the moſt juſtifiable reaſons for their conduct. He thought it right, however, to ſtate to the Houſe, that Mr. Fowke was not in a ſituation of preſſing diſtreſs; if he had not a fortune himſelf, his ſon was in an affluent ſituation, and he underſtood that, much to his credit, he made his father a very liberal allowance. He mentioned this merely to let the Houſe feel that the caſe of Mr. Fowke was not ſo far pitiable as that he ought to be conſidered as a perſon in a ſituation of pinching penury.—The Alderman added, that moſt undoubtedly what he had ſtated, did not alter the juſtice of the caſe. With regard to that, the Houſe would neceſſarily proceed as the circumſtances to be ſtated in the report of the Committee ſhould render proper; and as it appeared to be the general inclination of the Houſe, that the petition ſhould be referred to the conſideration of a Committee, he had not, for one, the ſmalleſt objection. The Alderman, however, obſerved, that the Court of Directors were at preſent full of buſineſs; and the Houſe would have their table covered with frivolous petitions, ſhould they diſcover a diſpoſition to encourage the preſentation of ſuch as might be offered by the complaining part of the Company's ſervants.

Mr. Burke Mr. *Burke* remarked, that the honourable gentleman had taken a curious ground of defence for the Court of Directors, and very well accounted for unaccountable things, and aſſigned the beſt of all poſſible reaſons for ſaying nothing, becauſe he had nothing to ſay. What had been the honourable gentleman's argument againſt entertaining petitions complaining of grievances? but that the countenancing one ſtatement of a grievance would occaſion the introduction of others. Could there be a better argument to encourage the Houſe of Commons to countenance petitions of that nature, than the broadly ſtating, that if they liſtened to one complaint of a grievance, they would be called on to liſten to others that would not otherwiſe have been brought forward? In arguing that Mr. Fowke, though poor himſelf, had a wealthy ſon, who made him a liberal proviſion, the honourable Member had completely opened the policy of the Eaſt-India Company and their Board of Directors. If brothers were affectionate, parents tender, children pious, and friends kind, the Eaſt-India Company were to do nothing; they looked upon themſelves as abſolved from all pledge of their public faith, and free from every engagement. After putting this in the

ſtrongeſt

ſtrongeſt point of view, Mr Burke alluded to the caſe of Mr. Larkin, and ſaid ſomething reſpecting that gentleman, which we did not correctly underſtand.

Mr. Alderman *Le Meſurier* declared, that he ſaw no reaſon whatever to have rendered it neceſſary for the right honourable gentleman to anſwer his arguments in terms ſo extremely ſevere. He was not ready, on the part of the Directors, if a man had a good brother, a tender parent, or a dutiful ſon, to aſſign that as a reaſon for denying him juſtice, nor had he ſaid any thing which amounted to ſuch an argument. With regard to his private character, he truſted it was as little liable to impeachment on the ſcore of want of benevolence, humanity, or philanthropy, as that of the right honourable gentleman, or any other honourable gentleman in that Houſe; and he could not recollect a ſyllable of his former ſpeech which warranted ſuch an attack as the right honourable gentleman had thought proper to make againſt him.

Mr. Ald. Le Meſurier.

The Speaker put the queſtion, which was agreed to.

Mr. *Burke* then named his Committee, and, before he ſat down, took an opportunity of declaring that he never had leſs thought of impeaching the private character of the honourable gentleman, than in what he had ſaid before; indeed he had no intention of criminating any one of the Directors.

Mr. Burke.

The uſual orders for giving the cuſtomary powers to the Committee were made.

The Houſe having reſolved itſelf into a Committee on the re-commitment of the Corn bill, the Speaker left the chair, and Mr. Bramſton took his ſeat at the table. The Committee then proceeded to debate the ſeveral clauſes, and Mr. Ryder, Mr. Harriſon, and other gentlemen, propoſed different amendments.

The firſt point debated was, whether the exportation price ſhould be 46s. or 48s.; in the diſcuſſion of which, Mr. Ryder, Lord Sheffield, Mr. Pitt, Mr. Powys, and many different Members, took part. At length, the Committee called for a diviſion, but it was afterwards agreed to take it on the diſcuſſion of the table of prices.

Each clauſe occaſioned a diſcuſſion, and a diviſion took place upon that which confiſcates the ſhip or veſſel, on board of which a certain quantity of grain or meal ſhall be found, when not exportable.

Inſtead of this clauſe, Mr. Alderman Curtis propoſed a penalty of treble the value of the corn, and a penalty upon the tonnage, at the rate of 100l. for 100 tons meaſurement of the ſhip or veſſel in which ſuch corn or meal ſhould be found.

Lord Sheffield. Lord *Sheffield* argued against the original clause, and having contended that it would operate as a very great hardship upon the ship owners, said, that he would divide the Committee in favour of the amendment proposed by the honourable Alderman.

Sir Peter Burrell spoke against the original clause. Mr. Ryder, Mr. Pitt, the Attorney General, and Mr. Rose, were against the amendment.

At length, the Committee divided, and negatived the amendment, there being for the original clause,

Ayes, 64; Noes, 39. Majority 25.

After the division, the Committee proceeded, until they came to the table regulating the prices of grain, for opening and shutting the ports; and that part of the table being read, which enacts, "That the ports shall be opened for the importation of foreign corn, when the price of British corn "shall amount to 48s. or upwards,"

Mr Powys. Mr. *Powys* objected to the admission of foreign wheat, until the produce of this country should be at the average price of 5 s. instead of 48s. The present bill was founded unfortunately upon the corn bill of 1773, which repealed the corn laws that had existed for upwards of a century before, and under which old laws the trade had flourished; but since the repeal of them by the act of 1773, the principle of which was followed in the present bill, that trade had been destroyed, and we were now become a corn importing, instead of a corn exporting country.

Mr. Ryder. Mr. *Ryder* remarked, that it would be incompetent for the honourable gentleman to move his amendment in the present Committee, the only mode which could, at that time, receive an adoption, must be a motion to negative the whole table.

Mr. Powys. Mr. *Powys* contended, that it was the same thing, as the Committee perfectly understood his object. He moved to have the table omitted.

Mr. Ryder. Mr. *Ryder* ascribed the increase of importation, alluded to by the honourable gentleman, to the increase of wealth, of population, of luxury, of horses, and of distilleries. He contended, that the price by which British corn was proposed, by the table, to be protected, would not operate to the discouragement of agriculture. He observed, that all the productions of the earth had increased in price in proportion with that of wheat, and that a farther increase would not operate substantially to the benefit of the landholder, since such increase must ultimately tend to raise the wages of manufacturers and labourers, which would be severely felt by the landholder, and operate injuriously to our commerce, by

raising

raiſing the price of our manufactures in foreign markets.— The bill was calculated to prevent an artificial ſcarcity, and to keep the price of wheat at a price neither too low for the grower, nor too high for the conſumer.

Lord Carysfort.

Lord *Carysfort* was of opinion that the cheapeſt poſſible mode of procuring corn for the conſumption of the country, muſt ariſe from making the importation and exportation free; ſuch, however, was not the object of the preſent bill; its object was to ſecure, for the people, corn, not at the loweſt price, but at ſuch a moderate price as might inſure the growth of the country to be adequate to its conſumption; the whole of which object was hazarded by fixing a lower price for the importation of corn than fifty-two ſhillings; and leſs could not fail to diſcourage the tillage of this country, and render us dependant on other countries for ſupport.

Mr. Pelham.

Mr. *Pelham* contended, that the principal object of the Houſe ought to be the ſupplying the country with corn of its own growth, which could not be effected, as England was ſituated, unleſs the growing of corn were forced by bounties, or by an admiſſion of exports when the prices ſhould prove higher than propoſed by the bill.

Mr. Pulteney

Mr. *Pulteney* conceived that a free trade would prove too great a venture, ſince the Houſe ought not to riſk the exiſtence of the people upon any theory, however plauſible. He thought that if the farmers were ſuffered to be cruſhed, the poor would alſo be cruſhed; and therefore he ſhould cloſe with the propoſal of the honourable gentleman to increaſe the price.

Mr. Baſtard

Mr. *Baſtard* aſſerted, that forty-eight ſhillings a quarter was not more than a ſaving price to the farmer, and as, by the preſent bill, they never could expect to obtain more, if it ſhould paſs, though they might poſſibly get conſiderably leſs, he was convinced that it would deſtroy the growing of corn, and that farmers would turn their tillage into paſture, to prevent which circumſtance to the country, he ſhould give his vote for negativing the table.

Mr. Powys

Mr. *Powys* begged leave to trouble the Committee with a calculation which he had received from ſeveral quarters, and which would prove, beyond all argument, that a farmer could not gain upon 48s. the quarter; ſince, admitting that he gave only twenty ſhillings rent for an acre, his tillage and other expences would amount to ſix pounds three ſhillings and five pence; to repay which, calculating that an acre would produce three quarters, at the higheſt price of the bill, viz. 48s. the farmer would have to defray the [illegible] pences of ſeven pounds three ſhillings and ſeven pence, and no more than ſeven pounds four ſhillings.

Lord

Lord Sheffield. Lord *Sheffield* contended, that if foreign corn was admitted to be imported when the price was not at 48s., every encouragement would be taken away from tillage. He next made some observations on the advantages which America and Ireland would possess over this country in the growth of their corn, and shewed the strong necessity which would arise to guard against the operation which their imports might have upon our agriculture; but necessary as it would prove to guard against them, it would speedily be doubly necessary to guard against the advantages which France would have over us in the growing of her corn, unfettered by tythes and absurd corn laws. The advantages of other countries would soon put a period to our tillage, unless we had protecting prices, and fifty-two shillings he conceived to be the lowest which ought to be granted.

Mr. Fox. Mr. *Fox* maintained, that arguments from experience were to be relied on with the greatest safety, and experience warranted a high protecting price; for, under the old practice of bounties, and under the old laws, the price of wheat had decreased, until the bill of 1773, after which time it increased, and the country, instead of exporting, commenced, to a considerable degree, the injurious practice of importing corn. Those who cultivated corn, ought to know, that should they be unfortunate in their crops, the price would rise sufficiently to indemnify them, and, by such means, encouragement would be given to tillage, and the poor ultimately benefited by a greater plenty. The only security to the poor, must ensue from encouraging the tillage of the country, and that was alone to be done by granting bounties, or high protecting prices, which would operate as bounties. The country was oppressed by tythes, the collection of which was harsh and inglorious, and he anxiously wished that some gentleman in the House would attempt to relieve the country from that species of barbarism, and discouragement to every agricultural improvement.

Mr. Pitt. Mr. *Pitt* argued for the table, being convinced that the system upon which it went, fixed the price high enough for the encouragement of tillage, and at the same time guarded against any serious inconvenience to the consumer.

The question was called for, and put, when the numbers were, For the Table,

Ayes, 53; Noes, 59. Majority 6

The remainder of the bill was agreed to be postponed, the House was then immediately resumed, and the Committee ordered to sit again on Thursday.

The House adjourned.

Tuesday,

Tueſday, 5th, and Wedneſday, 6th April.

No material debate occurred.

Thurſday, 7th April.

Mr. Pitt. Mr Chancellor *Pitt*, adverting to the election petitions which remained to be heard, remarked, that one ſtood for the next day, and two for the next week, one of which, he underſtood, from the diſtance of the place whence the witneſſes came, and on other accounts, it was neceſſary to appoint a Committee for before the receſs, as the putting it off till after would be attended with very great inconvenience and expence to all the parties intereſted. He obſerved, that the petition, for which, according to the orders on the book, a Committee was to be balloted upon the morrow, was that reſpecting the right of election for Weſtminſter. He did not then ſee both the Members for that city in the Houſe, but as the right honourable gentleman oppoſite to him was preſent, he preſumed he might take the liberty of propoſing to defer the ballot for that Committee to a future day, as the hearing of that petition was not at all preſſing in point of time, and as it was uſual for the Houſe to leave off balloting for Committees to try the merits of controverted elections about the 12th of April in every ſeſſion of a new Parliament, and they had already decided as many, perhaps more, than had been decided in any former firſt ſeſſion; he ſubmitted it to the conſideration of the Houſe, whether it would not be adviſeable to ballot for only one more Committee before the receſs, (that for Orkney) and poſtpone the reſt till after the holidays, when he thought it would at leaſt be worth while to try the experiment, whether another Committee was to be obtained or not.

Mr. Fox. Mr. *Fox* ſaid, it had been his idea that the Weſtminſter petition, as it referred to the ſeat of no ſitting Member, ought to give way to others, upon the merits of which the completeneſs of repreſentation more immediately depended, and therefore, as it always had been his opinion that three ballots a week were not deſirable, he had no manner of objection to the right honourable gentleman's propoſition.

Sir Wm. Young. Sir *William Young* having obſerved that he held in his hand a paper, which was in fact a petition from the Houſe of Aſſembly and Council of Grenada on the ſubject of the ſlave trade, although it aſſumed the name of a remonſtrance, added, that it was couched in terms of great loyalty, and alſo of great reſpect to the Houſe, and, if the Houſe pleaſed, he would read the contents. Having read it, he moved, "That the paper be brought up."

The

The Speaker.

The *Speaker* intimated, that it was not the practice of the House to receive remonstrances; but the paper being drawn in such respectful terms, might, if the House thought proper, be brought up as a petition.

It was brought up accordingly, and ordered to lie on the table.

The House adjourned.

Friday, 8th April.

The petition of certain housekeepers of London and Westminster, respecting the characters of servants, was referred to the consideration of a Committee.

Mr. Minchin

Mr *Minchin* rose, and begged leave to press upon the attention of the House, that a very considerable sum of money was paid for hemp to foreign nations, who, so far from being upon a friendly footing with this country, had at present rather given us cause to regard them in a contrary point of view. Besides, it was in the power of those nations, on whom we depended for a supply of the commodity, at any time, by cutting it off, most materially to injure the interest of our manufactures. He proposed, therefore, that waste lands, which at present were useless, should be improved for the purpose of the culture of hemp, and that the owners of the lands should contribute a sum in proportion to the degree of advantage which they might derive from this improvement, in order to diminish the oppressive burden of the poor's rates. Thus, a considerable sum, which, in one year, he stated to amount to not less than a million and a half, sent abroad for the purchase of hemp, would be saved to the country, the manufactures would be benefited, and the country in part relieved from a most enormous imposition. He concluded with moving, "That a Committee be appointed to enquire into the state of the culture of hemp "in this country."

Mr Wilberforce.

Mr. *Wilberforce* observed, that he felt it necessary to remind the House that they would soon have an opportunity of taking into consideration the whole merits of the most important question concerning the slave trade. In order to form a just and correct judgement upon it, it would prove requisite not only for every Member of the House to peruse the evidence which had been taken in the Select Committee up stairs, but also to read the evidence given before the Privy Council. As the whole of this evidence was extremely voluminous, it would require great attention, before gentlemen could draw the just conclusions. Mr. Wilberforce added, that he meant at once to move for the entire and total abolition of the slave trade, without any other propositions or resolutions on the subject.

Lord

Lord Carhampton.

Lord *Carhampton* deemed it highly expedient that the Houſe ſhould be made acquainted with what had recently happened in the iſland of Dominica. He believed it was generally known that violent commotions and inſurrections had lately taken place in that iſland. But he could not aſcertain whether the cauſe of theſe commotions was as generally underſtood. The ſlaves had conceived an idea, which had been inculcated into them, that the Governor had a power given him by the Parliament of Great Britain; and a power his Lordſhip did not know how to expreſs, without offence, though he was far from meaning any, that the Governor had the authority of the Britiſh Parliament, and of "Maſſa King Wilberforce," for a regulation, by which they ſhould not be obliged to work more than three days a week, and be paid two ſhillings a day, and the other three days of the week were to be holidays of courſe. Their deſign, when they made the late inſurrection, had been to cut the throats of all the white inhabitants at a given hour at ſupper, and to poſſeſs themſelves of the iſland. It was very true that this commotion had been quelled by the exertions of the Governor and the inhabitants. It was prevented by the 15th and 30th regiments, which happened to be on the iſland. One of the ſoldiers was taken priſoner by the negroes, and cut into pound pieces while alive. The ſoldiers at laſt got the better, and killed ſeveral of them. The ringleaders, it muſt be admitted, were taken to priſon, examined, tried, and, he believed, had now paid the forfeit of their lives. It was proper it ſhould be known that this was one of the effects of the honourable gentleman's ill underſtood philanthropy; nor, for his own part, would it excite his aſtoniſhment, were we to loſe all our Weſt India iſlands, as a conſequence of prohibiting the importation of ſlaves from Africa to the Weſt Indies.

Wilberforce

Mr. *Wilberforce* obſerved, that no perſon could rejoice more than himſelf to hear of the ſuppreſſion of that inſurrection which had been mentioned by the noble Lord, as well as of another inſurrection which had taken place long before he had brought forward the buſineſs to the view of the Public. He was convinced that the meaſures which were about to be adopted on the ſubject, inſtead of raiſing inſurrections, would tend to quell them; and he had always done every thing in his power to prevent any circumſtance of this kind, by clearly diſtinguiſhing, what had often been confounded, the abolition of the ſlave trade on the coaſt of Africa, and the emancipation of thoſe ſlaves who were already in the Weſt Indies.

Mr. Pitt.

Mr. Chancellor *Pitt* begged leave to move for a Select Committee, to enquire into the ſtate of the public income and expenditure. As the words of the motion would ſuffi-

ciently explain the nature of it, he need only propoſe, that this Committee be appointed by ballot, in the ſame manner as other Committees of the ſame nature had been appointed on former occaſions

The Speaker then read the words of the motion, the ſubſtance of which was, that the ſeveral public accounts, and other papers preſented to that Houſe, during the preſent ſeſſion of Parliament, be referred to the conſideration of a Select Committee; that they ſhould conſider and report the amount of the public income and expenditure during the laſt five years; and that the ſaid Committee be alſo directed to enquire what the public revenue and expenditure might be expected to be in future, and what alteration had taken place in the amount of the national debt ſince the 5th of January, 1786.

Mr. Fox. Mr. *Fox* roſe next, and having premiſed that endeavours had been made by many to perſuade this country that, during the laſt five years, the national debt had been conſiderably diminiſhed, added, that he did not pretend himſelf, from any inveſtigation of his own, to be able to decide or to ſpeak, with certainty, on the ſubject. He had no opportunity of knowing whether the aſſertions were true or falſe. He had, however, taken more opportunities of examining into the ſtate of the public revenue and expenditure, between Jan. 1, 1786, and Jan. 1, 1789, and he felt no difficulty in ſaying, that he was perfectly convinced that the aſſertions made in another place, and particularly by a moſt reſpectable and noble friend of his, were perfectly correct, that from Jan. 1, 1786, to Jan. 1, 1789, the public expenditure did exceed not only the regular income, but all income in every ſhape. All accounts of that ſort were naturally involved in ſome intricacy, and it was an exceedingly good meaſure that a Committee ſhould be appointed to examine them. But it was very material for that Houſe to conſider what ſort of a Committee ſhould be appointed for that purpoſe, and how it ſhould be appointed. He remembered a Committee of a ſimilar nature, formerly appointed by the right honourable gentleman, which gave much offence. He did not mean to find fault with the individuals who had compoſed that Committee, nor did he mean any diſreſpect to any one of them. But the names which compoſed that Committee gave every impartial man a degree of diſſatisfaction. When a Miniſter pretended to wiſh for a Committee to be appointed to give a fair, full, and correct account of the public finances, that Committee ought not to conſiſt, as the former did, of a number of the Miniſter's friends, and of perſons notoriouſly his warmeſt partizans, headed by one of his colleagues: it being naturally ſo much in the power of a Committee, in

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ſtating ſubjects of ſuch great intricacy, magnitude, and extent, to make a favourable or unfavourable report, juſt as they thought proper. Mr. Fox declared that he would prefer any other mode of electing a Committee to that of an election by ballot. If the Committee were to be appointed openly in the Houſe, he ſhould then have an opportunity of taking the ſenſe of the Houſe on each of the names which might be propoſed. No man would deny, that among thoſe who ſat on the ſide of the Houſe on which he ſat, and who profeſſed themſelves to be no friends to the right honourable gentleman's adminiſtration, there were ſeveral who were men of buſineſs, and men every way adequate to the inveſtigation of a ſubject of that nature. If the right honourable gentleman were to vote names openly in the Houſe, Mr. Fox ſaid, it would be competent for him alſo to propoſe ſome names to the Houſe, which if the right honourable gentleman did not like, he could alſo take the ſenſe of the Houſe upon them. But if the Committee was appointed by ballot, this could not be done. The laſt Committee, however reſpectable they were individually, were no ſooner appointed, than every impartial man had expreſſed his diſſatiſfaction. He did not oppoſe the very proper appointment of a Select Committee, but his ſole objection was, to its being appointed by ballot.

Mr. Pitt.

Mr. Chancellor *Pitt* thought that, on the preſent occaſion, it would be ſufficient to ſtate, that the intereſting object of inquiry to the country were, what had been really the ſituation of the finances from the time of the inſtitution of the plan for the reduction of the national debt, up to the preſent period? In the next place, what was the proſpect in future with regard to the public income and the public expenditure? What proportion were they likely to bear to each other? Theſe were intereſting objects, and they were the objects which he wiſhed the Committee fully to inveſtigate. He wiſhed that a ſtrict and impartial inquiry might be made into the ſubject, not for three, but for the ſpace of five years. If they had confined their inquiries to three years, it might have been made as well two years ago as at preſent. He was anxious that it might be underſtood, that there was no one period which he did not wiſh to have as fully enquired into as any gentleman could wiſh, being firmly perſuaded, that whenever the inquiry was made, and the matter rightly underſtood, it would be found, that during the three years between Jan. 1, 1786, and Jan. 1, 1789, the public revenue of this country had exceeded the expenditure. As to the mode of appointing the Committee, he did not think it liable to the imputation which had been caſt upon it by the right honourable gentleman, nor could he ſee any reaſon to imagine that they could not have a Committee

fairly choſen by ballot. Was it to be ſuppoſed, for a moment, that the Members of that Houſe, in giving in their liſts by ballot, would not conſult their duty, and act as fairly as they would do if any other mode of proceeding were adopted? He believed they would, and therefore he ſhould certainly perſiſt in moving, that the Committee be appointed by ballot. The right honourable gentleman had ſpoken with much perſonal civility of the laſt Committee, but had obſerved that they had given great diſſatiſfaction to every impartial man. Mr Pitt here obſerved, that ſome of thoſe who pretended to be impartial men, might be, perhaps, a little partial. It was not by any means eaſy to decide correctly who was partial, and who was impartial, on ſuch a ſubject. He declared, that he could not conceive how diſſatiſfaction could have ariſen in the breaſt of any man againſt that Committee, and he firmly believed that no diſſatiſfaction had exiſted. The Committee muſt report the facts, and the vouchers on which they proceeded to ground their opinion. They were, therefore, extremely liable to detection, if they did not report fairly. For his part, he had an equal portion of reſpect for all the individuals who compoſed that Committee, on account of their knowledge, information, and integrity. He was perſuaded that when the ſubject came a ſecond time under conſideration, it would afford the higheſt ſatiſfaction, ſince the more it was reviſed and examined, the more it would appear that the Committee had performed its duty. It was his intention and his wiſh to procure an adequate report on this ſubject, but he ſhould not controvert the right honourable gentleman's propoſition, that there were on the oppoſite ſide of the Houſe, ſome gentlemen of abilities and knowledge, who were extremely capable of throwing light upon the ſubject. Undoubtedly there were. At the ſame time, however, he hoped the right honourable gentleman would not deny, but that there might happen, perhaps, alſo to be ſome perſons, and at leaſt as many, on that ſide of the Houſe, who were capable and alſo very much inclined, to diſcharge their duty with fidelity and honour; and whatever number of Members might be choſen from one ſide of the Houſe, or from the other, it was his ſincere wiſh that, for the purpoſe of obtaining an uſeful and diſtinct report, in all reſpects worthy of the conſideration of the Houſe, and of the Public, they might be ſelected from both.

Mr. *Fox* expreſſed his ſatiſfaction at diſcovering that they were not to have ſuch a Committee as the laſt; but he ſtill thought that the better way of chuſing the Committee would be by the Houſe acting openly, rather than in a concealed manner, by means of a ballot; for all knew perfectly well how thoſe ſorts of ballots were managed. He thought that,

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conſidering the delegation of ſo great a truſt, the Houſe ſhould declare the names of thoſe whom they conceived moſt fit to compoſe the Committee.

Mr. Chancellor *Pitt* anſwered, that either at the preſent moment, or at any moment, the beſt proof which he could give that the former Committee had done their duty, was, that he felt no difficulty in letting the ſubject be reviſed, ſo that if any error had eſcaped, it might be detected. — Mr. Pitt.

The Speaker then put the queſtion on the firſt motion:

"That the ſeveral accounts, and other papers preſented "to this Houſe, in this ſeſſion of Parliament, relative to the "public income and expenditure, be referred to the conſide-"ration of a Select Committee, and that the ſaid Committee "be directed to examine and ſtate the ſame, and alſo to re-"port to the Houſe what may be expected to be the annual "amount of the ſaid income and expenditure in future."

Mr. Chancellor Pitt next moved,

"That the number of the ſaid Committee be nine.

"That the ſaid Committee be choſen by balloting.

"That the Members of this Houſe do on Monday next, "at two o'clock, propoſe liſts to be put into glaſſes of nine "perſons' names, to be of the ſaid Committee."

Theſe motions were carried.

The order of the day for taking the report of the Quebec bill into farther conſideration, having been read,

Mr. *Huſſey* begged leave to inform the Houſe, that he had a petition to preſent from a number of very reſpectable perſons againſt the bill in queſtion. They had conceived that it was likely to prove prejudicial to their trade. — Mr. Huſſey.

The petition was brought up and received. It contained the prayer of ſeveral merchants, warehouſemen, and manufacturers of Quebec, that the bill might not paſs into a law, inaſmuch as, after having duly weighed the conſequences of it, they feared that it would be attended with great injury, particularly to their trade and commerce.

The petition was ordered to lie on the table.

The Speaker then put the queſtion "That this report be "now taken into further conſideration."

Mr. Huſſey moved "That the bill be re-committed."

Mr. *Fox* remarked, that the bill contained a variety of clauſes, of the utmoſt importance, not only with reſpect to the country to which they immediately related, but to Great Britain. Many of theſe clauſes appeared to be very exceptionable, and ſuch as he could by no means ſubſcribe to. The bill propoſed to give two Aſſemblies to the two provinces, and thus far it met with his approbation; but the number of perſons of whom theſe Aſſemblies were to conſiſt, deſerved particular attention. Although it might be perfectly true, that — Mr. Fox.

a country,

a country, three or four times as large as Great Britain, ought to have repreſentatives three or four times as numerous, yet it was not fit to ſay, that a ſmall country ſhould have an Aſſembly proportionably ſmall. The great object in the inſtitution of all popular Aſſemblies was, that the people ſhould be fully and freely repreſented; and that the repreſentative body ſhould have all the virtues and the vices incident to ſuch Aſſemblies. But when they made an Aſſembly to conſiſt of ſixteen or thirty perſons, they ſeemed to him to give a free conſtitution in appearance, when, in fact, they withheld it. In Great Britain, we had a ſeptennial bill; but the goodneſs of it had been conſidered doubtful, at leaſt, even by many of thoſe who took a lead in the preſent bill. The right honourable gentleman (Mr. Pitt) had himſelf ſupported a vote for the repeal of that act. He did not now mean to diſcuſs its merits; but a main ground on which it had been thought defenſible was, that a general election in this country was attended with a variety of inconveniencies. That general elections in Great Britain were attended with ſeveral inconveniencies, could not be doubted, but when they came to a country ſo different in all circumſtances as Canada, and where elections, for many years at leaſt, were not likely to be attended with the conſequences which they dreaded, why they ſhould make ſuch Aſſemblies not annual or triennial, but ſeptennial, was beyond his comprehenſion. A ſeptennial bill did not apply to many of the moſt reſpectable perſons in that country; they might be perſons engaged in trade, and if choſen repreſentatives for ſeven years, they might not be in a ſituation to attend during all that period; their affairs might call them to England, or many other circumſtances might ariſe, effectually to prevent them from attending the ſervice of their country. But although it might be inconvenient for ſuch perſons to attend ſuch Aſſembly for the term of ſeven years, they might be able to give their attendance for one, or even for three years, without any danger or inconvenience to their commercial concerns. By a ſeptennial bill, the country of Canada might be deprived of many of the few repreſentatives that were allowed by the bill. If it ſhould be ſaid, that this objection applied to Great Britain, he completely denied it; becauſe, although there were perſons engaged in trade in the Britiſh Houſe of Commons, and many of them very worthy Members, yet they were comparatively few; and therefore he ſhould think that, from the ſituation of Canada, annual or triennial Parliaments would be much preferable to ſeptennial. Of the qualification of electors he felt it impoſſible to approve. In England, a freehold of forty ſhillings was ſufficient; five pounds were neceſſary in Canada. Perhaps it might be ſaid, that when

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this was fairly considered, it would make no material difference, and this he suspected to be the case; but granting that it did not, when we were giving to the world, by this bill, our notions of the principles of election, we should not hold out that the qualifications in Great Britain were lower than they ought to be. The qualifications on a House were still higher; he believed, ten pounds. He thought that the whole of this constitution was an attempt to undermine and contradict the professed purport of the bill: the introduction of a popular Government into Canada. But although this was the case with respect to the two Assemblies, although they were to consist of so inconsiderable a number of Members, the legislative Councils in both provinces were unlimited as to numbers. They might consist of any number whatever, at the will of the Governor. Instead of being hereditary councils, or councils chosen by electors, as was the case in some of the colonies in the West Indies, or chosen by the King, they were compounded of the other two. As to the points of hereditary powers, and hereditary honours, to say that they were good, or that they were not good, as a general proposition, was not easily maintained; but he saw nothing so good in hereditary powers and honours, as to incline us to introduce them into a country where they were unknown, and by such means distinguish Canada from all the colonies in the West Indies. In countries where they made a part of the constitution, he did not think it wise to destroy them; but to give birth and life to such principles in countries where they did not exist, appeared to him to be exceedingly unwise. He could not account for it, unless it was that Canada, having been formerly a French colony, there might be an opportunity of reviving those titles of honour, the extinction of which, some gentlemen so much deplored, and to revive in the West that spirit of chivalry, which had fallen into disgrace in a neighbouring country. He thought these powers and honours wholly unnecessary, and tending rather to make a new constitution worse than better. If the council were wholly hereditary, he should equally object to it; it would only add to the power of the King and the Governor; for a council, so constituted, would only be the tool of the Governor, as the Governor himself would only be the tool and engine of the King. He did not clearly comprehend the provision which the bill made for the Protestant clergy. By the Protestant clergy, he supposed to be understood not only the clergy of the church of England, but all descriptions of Protestants. He totally disapproved of the clause, which enacts, "That whenever the King shall "make grants of land, one seventh part of those lands shall "be appropriated to the Protestant clergy." He had two

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objections to these regulations, both of them, in his opinion, of great weight. In all grants of lands made in that country to Catholics, and a majority of the inhabitants were of that persuasion, one seventh part of those grants was to be appropriated to the Protestant clergy, although they might not have any cure of souls, or any congregations to instruct. One tenth part of the produce of this country was assigned, and this, perhaps, was more than one seventh part of the land. He wished to deprive no clergyman of his just rights; but in settling a new constitution, and laying down new principles, to enact that the clergy should have one seventh of all grants, he must confess, appeared to him an absurd doctrine. If they were all of the church of England, this would not reconcile him to the measure. It might be asked, why should not they have as much as those of the church of England? In this country, we had that which some condemned and others praised; we had a kind of shew, but still a proportion must be observed. The greatest part of these Protestant clergy were not of the church of England; they were chiefly what are called Protestant Dissenters in this country. They were, therefore, going to give to Dissenters one seventh part of all the lands in the province. Was this the proportion, either in Scotland, or in any other country, where these religious principles were professed? It was not the proportion, either in Scotland, or in any other ecclesiastical country in Europe; we were, therefore, by this bill, making a sort of provision for the Protestant clergy of Canada, which was unknown to them in every part of Europe; a provision, in his apprehension, which would rather tend to corrupt than to benefit them. The regulations were likewise, in part, obscure, because, after it had stated that one seventh portion of the land should always be set aside for the Protestant clergy, it did not state how it should be applied. The bill was likewise exceptionable, as far as it related to the regulation of appeals. Suitors were, in the first instance, to carry their complaints before the Courts of common law in Canada; if dissatisfied with the decisions of those Courts, they might appeal to the Governor and Council; if dissatisfied with their judgement, they might then appeal to the King in Council; and next, to the House of Lords. Now, if the House of Lords was a better Court, which he believed it to be, than the King in Council, why compel them to appeal to the King in Council, before they could come to the House of Lords? Why not apply to the House of Lords at once? This could answer no possible purpose, but to render lawsuits exceedingly expensive, and exceedingly vexatious. These were the principal objections he had to this bill. There had not yet been a word said in explanation

of it, with all its variety of clauſes and regulations. It went through the Houſe ſilently without one obſervation; it alſo went through the Committee only in form, but not in ſubſtance. Of all the points of the bill, that which ſtruck him the moſt forcibly, was the diviſion of the province of Canada. It had been urged that, by ſuch means, we could ſeparate the Engliſh and the French inhabitants of the province; that we could diſtinguiſh who were originally French from thoſe of Engliſh origin. But was this to be deſired? Was it not rather to be avoided? Was it agreeable to general political expediency? The moſt deſirable circumſtance was, that the French and Engliſh inhabitants of Canada ſhould unite and coaleſce, as it were, into one body, and that the different diſtinctions of the people might be extinguiſhed for ever. If this had been the object in view, the Engliſh laws might ſoon have prevailed univerſally throughout Canada, not from force, but from choice and conviction of their ſuperiority. He had no doubt, that on a fair trial they would be found free from all objection. The inhabitants of Canada had not the laws of France. The commercial code was never eſtabliſhed there; they ſtood upon the exceedingly inconvenient cuſtom of Paris. He wiſhed the people of that country to adopt the Engliſh laws from choice, and not from force: and he did not think the diviſion of the province the moſt likely means to bring about this deſirable end. In his opinion, the bill was alſo objectionable, as far as it related to the Trial by Jury, and the Habeas Corpus Act, which the Canadians were ſaid to enjoy by an ordinance of the province. It was ſtated, by one of the Counſel at the bar, that either the ordinance which gave the inhabitants the trial by jury, or that which afforded them the benefit of the Habeas Corpus act, would expire before the bill could paſs into a law. If this were true, it was an objection to the bill, and ought to be remedied. He truſted that the Houſe would alſo ſeriouſly conſider the particular ſituation of Canada. It was not to be compared to the Weſt Indies; it was a country of a different nature; it did not conſiſt of a few white inhabitants, and a number of ſlaves; but it was a country of great growing population, which had increaſed very much, and which, he hoped, would increaſe much more. It was a country as capable of enjoying political freedom, in its utmoſt extent, as any other country on the face of the globe. This country was ſituated near the colonies of North America: all their animoſity and bitterneſs on the quarrel between them and Great Britain was now over; and he believed that there were very few people among thoſe colonies, who would not be ready to admit every perſon belonging to this country into a participation of all their privileges, and would receive them

with open arms. The Governments now established in North America were, in his opinion, the best adapted to the situation of the people who lived under them, of any of the Governments of the ancient or modern world: and when we had a colony like this, capable of freedom, and capable of a great increase of population, it was material that the inhabitants should have nothing to look to among their neighbours to excite their envy. Canada must be preserved in its adherence to Great Britain, by the choice of its inhabitants, and it could not possibly be kept by any other means. But it must be felt by the inhabitants that their situation was not worse than that of their neighbours. He wished them to be in such a situation as to have nothing to envy in any part of the King's dominions. But this would never prove the case under a bill which held out to them something like the shadow of the British constitution, but denied them the substance. Where the principles of liberty were gaining ground, which would increase, in consequence of the general diffusion of literature and knowledge in the world, they should have a Government as agreeable to the genuine principles of freedom, as was consistent with the nature of circumstances. He did not think that the Government intended to be established by the bill, would prove such a Government; and this was his principal motive for opposing it. The legislative Councils ought to be totally free, and repeatedly chosen, in a manner as much independent of the Governor as the nature of a colony would admit. Those, he conceived, would be the best; but if not, they should have their seats for life; be appointed by the King, consist of a limited number, and possess no hereditary honours. Those honours might be very proper, and of great utility, in countries where they had existed by long custom; but, in his opinion, they were not fit to be introduced where they had no original existence; where there was no particular reason for introducing them, arising from the nature of the country, its extent, its state of improvement, or its peculiar customs; where, instead of attracting respect, they might excite envy; and as but few could enjoy them, those who did not, might be induced to form an unfavourable comparison between their own situation and that of their neighbours, among whom no such distinctions were known. Even whilst he felt himself perfectly desirous of establishing a permanent provision for the clergy, he could not think of making for them a provision so considerable, as was unknown in any country of Europe, where the species of religion to be provided for prevailed. It was upon these grounds which he had stated, that he felt himself justified in seconding the motion of his honourable friend (Mr. Hussey.)

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Mr. Chancellor *Pitt* said that, although he did not feel himself inclined to oppose the motion, he could not avoid expressing his regret that the clauses which were objected against, had not attracted the attention of gentlemen on an earlier day. At any rate, it was not owing to any fault of his that the bill had not been fully discussed in the former stages of it: but, considering it, as he did, to be of very great importance to form a system for the government of a colony, which, both in point of duty and interest, they were bound to do, he professed himself to be extremely anxious to court all opportunity of receiving every species of observation and information which could be obtained upon the subject; and therefore he acquiesced in the re-commitment of the bill. As to the first objection of the right honourable gentleman against the manner of forming the Assemblies, he must confess that it was certainly his wish that the Assemblies in both Provinces might prove numerous enough to answer all the purposes of a popular Assembly, as far as the circumstances of the two provinces were properly qualified for that situation. But he doubted very much, according to the present state of the colony, and the population in that province, whether the Assemblies could be rendered more numerous than was proposed. The House would, however, have the goodness to consider, that there was not the smallest idea that the Assemblies should not be increased, when the population of the province increased. The Assemblies undoubtedly ought to be extended with the growing population of Canada. He believed that a very numerous representative body was in no respect desirable, and they ought always to bear some proportion to the circumstances of the country. With regard to the duration of the Assemblies, a House of Assembly for seven years would surely prove better than for a shorter period. In the other colonies, the Council and Assembly were constituted in such a manner, as to invest the Governor with more influence than would be given to him by the present bill. If the Assembly was not properly constituted at first, it must be recollected that it was subject to revision, and that it might easily afterwards be altered. There was nothing to hinder the Parliament of Great Britain from correcting any point which might hereafter appear to want correction. As to the Legislative Council, he totally and entirely differed from the right honourable gentleman, who thought it would be better if it were to be an elective Council, in the manner which had been lately established in America. He did not think it was the business of that House to discuss what was the best constitution of Government for France, for America, or for any foreign country; and this had been a

Mr. Pitt.

reason why he had always declined making any remarks concerning the affairs of France. Whether France had chosen well for itself, or whether America had chosen well for itself, he had no difficulty in declaring, that the English constitution which we had chosen, was in its principle the best for us; better than any of those republican principles. He said he did not mean to use the word republican as an obnoxious term, but none of those republican principles which the right honourable gentleman had described as the consequence of a greater extension of learning and light, and which, he had said, shone in the constitutions of France and America, could improve the constitution of Britain. They did not appear to be such as, if adopted by us, or any of our colonies, would be any improvement of our constitution, but the reverse. An aristocratical principle being one part of our mixed Government, he thought it proper that there should be such a Council in Canada as was provided for by the bill, and which might answer to that part of the British constitution which composed the other House of Parliament. With respect to the Protestant clergy, he wished to make an adequate provision for them, so that they might be supported in as respectable a situation as possible. The giving them a certain portion of land was the most eligible mode of supporting the clergy which had occurred to his mind; and as to the proportion of one seventh, whether it was or was not too much, if it turned out to be too much in future, the state of the land appropriated to the clergy, like every thing else provided by the bill, was subject to a revision. At present, he imagined that no man could think that one seventh part was unreasonable; and it was to be recollected that one seventh had almost grown into an established custom, where land had been given in commutation for tythes. One tenth of the produce which took place in England, must be confessed to be a far greater provision than one seventh of land. As to the division of the province, it was, in a great measure, the fundamental part of the bill; and he had no scruple to declare that he considered it as the most material and essential part of it. He agreed with the right honourable gentleman, in thinking it extremely desirable that the inhabitants of Canada should be united, and led universally to prefer the English constitution and the English laws. Dividing the province, he considered to be the most likely means to effect this purpose, since by so doing, the French subjects would be sensible that the British Government had no intention of forcing the English laws upon them, and therefore they would, with more facility, look at the operation and effect of those laws, compare them with the operation and effect of their own,

and

probably in time adopt them from conviction. This, he thought, was more likely to prove the caſe, than if the Britiſh Government were all at once to ſubject the whole inhabitants to the conſtitution and laws of this country. Experience would teach them that the Engliſh laws were beſt; and he admitted that they ought to be governed to their ſatisfaction. If the province had not been divided, there would have been only one Houſe of Aſſembly; and there being two parties, if thoſe parties had been equal, or nearly equal, in the Aſſembly, it would have been the ſource of perpetual faction: if one of the parties had been much ſtronger than the other, the other might juſtly have complained that they were oppreſſed. It was on that perſuaſion that the diviſion of the province was conceived to be the moſt likely way of attaining every deſirable end.

When the Speaker had put the queſtion, and after it was carried that the bill ſhould be re-committed,

The report of the Catholic Diſſenters bill was brought up, and the ſeveral amendments made in the Committee agreed to or rejected, with very little debate.

Upon the ſuggeſtion of Mr. Fox, the clauſe which requires Juſtices of the Peace to commit perſons frequenting places of worſhip authoriſed by the bill, and refuſing to take the oath contained in it, was not admitted.

On the clauſe for enabling Catholic Diſſenters, who ſhall take the oath, to preſent to eccleſiaſtical livings,

Maſter of the Rolls.

The *Maſter of the Rolls* obſerved, that the intention of the bill was to relieve a certain deſcription of men from penalties and diſabilities; that the power of preſenting to Church benefices was not a civil right, but an eccleſiaſtical right; and that although the law conſidered that power as property, and all other diſſenters from the eſtabliſhed church were allowed to exerciſe it, yet he could not, after having maturely conſidered the point, think that it ought to be granted to Catholics, without conſideration.

Mr. Windham

Mr. *Windham* obſerved that, although it might ſeem rather ſtrange in theory, that a man ſhould be allowed to recommend a teacher in a church, of which he himſelf was not a member, he did not think that any practical inconvenience could ariſe from it, as the church had the means of preventing an improper perſon from being introduced.

Mr. Cox

Mr. *Cox* remarked, that the Houſe ought to attend to the prejudices of the lower claſſes of people, who were not capable of entering into the refined doctrines of toleration, and who, if they ſaw a Roman Catholic enabled to preſent to a church living, would be ſtrongly impreſſed with the idea that Parliament, and men in power, were totally indifferent about religion.

Mr.

Mr. *Fox* said, that admitting, what he did not believe, that a Catholic would be more likely to present an improper person than any other lay patron, the Bishop of the diocese had the complete power of rejecting the person so presented. He had the power of enquiring into his moral character; of examining him both as to his learning and his faith, and of requiring the strongest possible test of his sincerity. Where, then, could be the danger to the church? All other dissenters, capable of acquiring landed property, Jews, and if it so happen, Mahometans, were allowed to exercise this right of property, for, a right of property it was. Upon what principle, then, either of security, or of justice, were Catholics excluded? On all subjects of general toleration, it was singularly fortunate for his argument, that in this kingdom two religions were by law established. The act of Union wisely provided for the security of the kirk of Scotland, as well as for that of the church of England, and thus gave a triumphant example of toleration. Now, it so happened, that the King, who was by law obliged to be of the church of England, often presented a minister to a Scots kirk, without any danger apprehended from the presentation of an improper person. It might, perhaps, be said, that the two Universities, in whose gift were the livings to which Catholics were not allowed to present, would object against the clause, but, with all his great respect for them, he did not, in this particular instance, conceive that their objections ought to be considered as valid.

Mr. Pitt. Mr. Chancellor *Pitt* declared, that he felt no difficulty on account of any interest which the Universities might be supposed to have in the clause. He should entertain a much humbler sense of the honour of being the representative of one of them, were he not persuaded that his constituents would have no objection to it on that account. But the clause in itself was not proper, and would obstruct the progress of the bill, which they were all so anxious to see passed. The object of the bill was to relieve those for whose benefit it was intended, from the severity of penal statutes, and exclusion from civil trust, and stood totally unconnected with any ecclesiastical trust.

Mr Fox. Mr. *Fox* observed, that the experiment had been already tried with respect to all other dissenters, and no ill consequence found to result from it.

Mr. W. Smith. Mr. *W. Smith* said, that the Dissenters, in arguing for the repeal of the Test act, had declared to the church of England, "We are allowed to exercise an ecclesiastical trust, and no "danger ensues; why do you then withhold from us the "exercise of a civil trust?" The answer was, "We have "the means in our own hands of preventing the abuse of

"your ecclesiastical trust." If this were true, with respect to Dissenters in general, it must also be true with respect to Catholic Dissenters, and an irrefragable argument in favour of the clause.

Mr. Powys.

Mr. *Powys* conceived that the experiment might be tried without any danger to the established church. The oath was upon that footing which those who were most interested had desired, and perhaps might not in general be objectionable.

The Speaker.

The *Speaker* said, that this was the stage of the bill in which [illegible] ought to be proposed, if gentlemen had [illegible].

Mr. Smith, Mr. Fox, Mr. Pitt, Sir Wm. Young, Col. Macleod, Mr. [illegible], and Sir Wm. Dolben, spoke, when Mr. Fox stating that he had no wish to divide the House upon it, the clause was [illegible].

On the next clause, that Papists should deny the infallibility of the Pope, and absolution by Priests,

Mr. Smith.

Mr. *Smith* thought that certain words, expressing that declaration, might be left out, because he believed that very few Papists did consider that as any particular part of their creed, nor [illegible] they so blind or ignorant as to trust the forgiveness of sins to the [illegible] their priests.

Mr. Pitt.

Mr. Chancellor *Pitt* answered, that perhaps other words than those now contained in the bill, might be adopted; but still, he thought, there should be some clause in the bill, which went [illegible] exacting from the Papists an avowal that no [illegible], or human person whatever, could absolve sins committed.

Mr. Smith hoped that the clause might be altered to answer the [illegible], by adding the words "except original sin."

Mr. Fox.

Mr. *Fox* thought, that in this case the Roman Catholics, or Papists, as they were called, were not altogether treated fairly. The question had been [illegible], as if the Papists had acknowledged and avowed all those ridiculous and absurd doctrines which were laid to their charge, without ever consulting them upon their confession, and this confession had never been made on their part. In this light, he must contend, that calumnies were thrown out against them, which they had not deserved, and which, if the clause remained in its present state, they must still lie under. When an honourable gentleman had mentioned original sin, the observation had been treated lightly; and more so, in his opinion, than it ought to have been. In our own established church, there seemed to be some acknowledgement, and preventive against original sin, as well as amongst the Roman Catholics; one instance he would mention, which was the idea of baptism.

He

He might not be so orthodox, or so well informed in those matters, as some other gentlemen; but on that point of absolution and forgiveness of sin, he considered an English clergyman to be just the same as a Cardinal of Rome. The oath he wished to be as simple and explicit as possible, and thereby the least in danger of being evaded, or misunderstood; but, as including in it a religious or a political test, he could not approve of it, having often expressed his opinion to be directly against all tests, either political or religious.

Mr. Pitt. Mr. Chancellor *Pitt* replied, that all for which he meant to contend was, that some words ought to be in the oath, which obliged the person taking it as a qualification to hold an office, to say, that he did not believe it was in the power, at the pleasure or desire of any human being whatever, to grant forgiveness of sins, or absolution for any offences committed.

Mr. Fox. Mr. *Fox* observed, that however some gentlemen might chuse to entertain an idea that it was all one to Roman Catholics what oath was prescribed, because they supposed a mental reservation, he indulged no such supposition of any sect whatever; and many great countries must have suffered from such a consequence, had it existed, long before this time. He certainly had a mental reservation upon this bill, and was not ashamed to own it, because he knew it would not go as far as it ought to do, and until another bill was brought in to go much further, he could not be satisfied that justice was done either to the Roman Catholics, or many other dissenters from the established church, whom he thought deserving, from their conduct, of the countenance of the Legislature. To this bill he agreed, in hopes that a better and more extensive one, upon the principle of toleration, would soon be brought forward; if it was not, he should attempt something of that kind, though he sincerely wished it might come from a quarter of the House whence greater success might be expected to attend it. It had been said, that this bill included every person in its provisions; but he denied that it included him or any other Member of Parliament, if they did not take certain oaths, when perhaps they were not inclined to take any oaths at all.

Different amendments were made in the clauses, which were all gone through, and the bill was ordered to be reported upon the ensuing Wednesday.

The House adjourned.

The

The following Papers were laid on the Table, for the peruſal of the Members:

" Extracts of Letters, &c. and Accounts, relative to the Settlements in New South Wales.

" Extracts of a Letter from Governor Phillip to the Right Honourable Lord Sydney, dated Sydney Cove, 12th February, 1790.

" WHEN the Supply left Norfolk Iſland, the people were all very healthy, and they had vegetables in the greateſt abundance; they get fiſh when the weather permits the boat to go without the reef, and, at times, in ſuch quantities, that fiſh is ſerved to the people in lieu of ſalt proviſions. They make their lines from the flax plant, but unfortunately we have not any perſon who underſtands how to dreſs it.

" Half a pod of cotton being found on the iſland, ſuppoſed to be brought there by a bird, and a cocoa nut, which was perfectly ſound, and appeared to have been but a ſhort time in the water, being thrown upon the beach, have given ſome reaſon to ſuppoſe that both theſe articles will be found in ſome iſland at no great diſtance.

" Lord Howe Iſland has been examined, but no freſh water, or good anchorage, being found, it can be of no other advantage to this ſettlement, than occaſionally ſupplying a few turtle.

" I had the honour of informing your Lordſhip, that a ſettlement was intended to be made at a place I named Roſe Hill. At the head of this harbour there is a creek, which at half flood has water for large boats to go three miles up; and one mile higher the water is freſh, and the ſoil good. A very induſtrious man, whom I brought from England, is employed there at preſent, and has under his direction one hundred convicts, who are employed in clearing and cultivating the ground. A barn, granary, and other neceſſary buildings, are erected, and twenty ſeven acres in corn promiſe a good crop. The ſoil is good, and the country, for twenty miles to the weſtward, which is as far as I have examined, lays well for cultivation; but even there, the labour of clearing the ground is very great; and I have ſeen none that can be cultivated without cutting down the timber, except ſome few particular ſpots, which, from their ſituation, (laying at a diſtance from either of the harbours) can be of no advantage to us at preſent; and I preſume the meadows mentioned in Captain Cook's Voyage, were ſeen from the high grounds about Botany Bay, and from whence they appear well to the eye, but when examined, are found to be

marshes, the draining of which would be a work of time, and not to be attempted by the first settlers.

"The Captain's guard, which until lately did duty at Rose Hill, is now reduced to a Lieutenant and twelve privates, [illegible] merely as a guard to the store which contains the provisions, and which is in the redoubt, for I am now [illegible] there is nothing to be apprehended from the [illegible] little [illegible] on which had been a [illegible] the [illegible], more than what was immediately [illegible] on duty, [illegible] full, is no [illegible] required.

"At Sydney Cove, all the officers are in good huts, and the men in barracks, and, although many unforeseen difficulties [illegible], I believe there is not an individual [illegible] to the private soldier, whose situation [illegible] this time than he had any reason to expect [illegible] could [illegible] in the course of the three years station. And it is the same with the [illegible], and those who have [illegible] in plenty. The building now [illegible] stone. The house [illegible] it was to consist of only three rooms, but having a [illegible] foundation, has been enlarged, contains six rooms, and is so well built, that I presume it will stand [illegible]

"[illegible] lately [illegible] with [illegible], and [illegible] in the [illegible], where they [illegible], and the loss [illegible] could only be [illegible] all the provisions that was ordered [illegible], as many [illegible] flour and rice were found to [illegible] two [illegible], the [illegible] twelve [illegible].

"[illegible] from convicts [illegible], [illegible] convicts were chosen as a night watch, and they have [illegible] answered the [illegible] proposed, [illegible] committed for [illegible] and the [illegible] convicts [illegible] executed [illegible] year.

"As near two years have now passed since we first landed in this country, some judgment may be formed of the climate, and I believe a finer or more healthy climate is not to be found in any part of the world. Of [illegible] the [illegible] people who were landed, many of whom were worn out by old age, the scurvy, and various disorders, only seventy two have died in one and twenty months, and by the Surgeon's returns, it appears that twenty six of those died from disorders of long standing, and which it is more than probable

probable would have carried them off much ſooner in England. Fifty-nine children have been born in the above time.

"In December the corn at Roſe Hill was got in: the corn was exceeding good; about two hundred buſhels of wheat, and ſixty of barley, with a ſmall quantity of flax, Indian corn, and oats, all which is preſerved for ſeed. Here I beg leave to obſerve to your Lordſhip, that if ſettlers are ſent out, and the convicts divided amongſt them, this ſettlement will very ſhortly maintain itſelf; but without which, this country cannot be cultivated to any advantage. At preſent I have only one perſon (who has about an hundred convicts under his direction) who is employed in cultivating the ground for the public benefit, and he has returned the quantity of corn above mentioned into the public ſtore; the officers have not raiſed ſufficient to ſupport the little ſtock they have. Some ground I have had in cultivation will return about forty buſhels of wheat into ſtore; ſo that the produce of the labour of the convicts employed in cultivation has been very ſhort of what might have been expected, and which I take the liberty of pointing out to your Lordſhip in this place, to ſhew, as fully as poſſible, the ſtate of this colony, and the neceſſity of the convicts being employed by thoſe who have an intereſt in their labour. The giving convicts to the officers has been hitherto neceſſary, but it is attended with many inconveniences, for which the advantages ariſing to the officers do not make amends. It will not, therefore, be continued after the detachment is relieved, unleſs particularly directed. The numbers employed in cultivation will of courſe be increaſed, as the neceſſary buildings are finiſhed, but which will be a work of time; for the numbers in this ſettlement who do nothing towards their own ſupport, exceed thoſe employed for the Public.

"In November, the Supply ſailed for Norfolk Iſland with ſome convicts, and returned after being abſent ſix weeks.—All the people in that iſland were well, and their crops, after all they had ſuffered from rats, birds, and a worm which had done them conſiderable damage, ſo good, that they had grain ſufficient for ſix months bread for every one upon the iſland, reſerving ſufficient for their next year's crops.

"Early in January, 1790, the Supply again ſailed for Norfolk Iſland, with more convicts; and in her paſſage left a ſmall party on Lord Howe Iſland, to turn turtle; but in fifteen days only three were taken; ſo that no great advantages will accrue at preſent from thence. The iſland has freſh water, but no good anchoring ground.

"Since the deaths mentioned in a former part of this letter, one woman has ſuffered for a robbery, five children have

died, and twenty-eight children have been born; making in all ſeventy-ſeven deaths, and eighty-ſeven births.

" Extract of a Letter from Governor Phillip to the Right Honourable Lord Sydney, dated Sydney Cove, 13th February, 1790.

" IN order to get a knowledge of the country round this ſettlement, frequent excurſions have been made ſince the ſhips ſailed in November, 1788; ſoon after which I went to Botany Bay, and the five days ſpent in that harbour confirmed me in the opinion I had firſt formed of it—that it afforded no eligible ſituation for fixing the ſettlement, and was a bad harbour, not affording good ſecurity for ſhips againſt the eaſterly winds, which frequently blow very hard in the winter, and which has been farther proved by Captain Hunter, and the Firſt Lieutenant of the Sirius, when there to ſurvey the bay.

" After having been ſeveral times with the boats to Broken Bay, in order to examine the different branches in that harbour, a river was found; but the want of proviſions obliged us to return without being able to trace it to its ſource, which has ſince been done; and in the ſixteen days we were then out, all thoſe branches which had any depth of water were traced as far as the boats could proceed

" The breadth of this river (named the Hawkeſbury) is from 300 to 800 feet; and it appears, from the ſoundings we had, to be navigable for the largeſt merchant ſhips to the foot of Richmond Hill; but as the water near the head of the river ſometimes riſes, after very heavy rains, thirty feet above its common level, it would not be ſafe for ſhips to go ſo far up; but fifteen or twenty miles below Richmond Hill, they would lay in freſh water, and perfectly ſafe. I ſpeak of Richmond Hill as being the head of the river, it there growing very ſhallow, and dividing into two branches.

" The high rocky country which forms Broken Bay is loſt as you proceed up the Hawkeſbury, and the banks of the river are there covered with timber, the ſoil a rich light mould; and judging from the little we ſaw of the country, I ſhould ſuppoſe it good land to a very conſiderable extent; the other branches of freſh water are ſhoal, but probably run many miles farther into the country than we could trace them with our boats. On theſe rivers we ſaw great numbers of wild ducks, and ſome black ſwans; and on the banks of the Hawkeſbury, ſeveral decoys made by the natives to catch the quail.

" Rich-

"Richmond Hill (near the foot of which a fall of water prevented our proceeding farther with the boats) is the southern extremity of a range of hills, which, running to the northward, most probably join the mountains which lay nearly parallel to the coast, from fifty to sixty miles inland. The soil of Richmond Hill is good, and it lies well for cultivation. Our prospect from the hill was very extensive to the southward and eastward; the country appearing, from the height at which we were, to be a level covered with timber: there is a flat of six or seven miles between Richmond Hill and a break in the mountains, which separates Lansdown and Carmarthen Hills; and in this flat, I suppose, the Hawkesbury continues its course, but which could not be seen for the timber, that, with very few exceptions, covers the country wherever the soil is good.

"The great advantages of so noble a river, when a settlement can be made on its banks, will be obvious to your Lordship.

"The settlement made at Port Jackson, near the head of the harbour (Rose Hill) very fully answers my expectations; the soil is exceeding good, lies well for cultivation, and is well watered. Six miles to the southward, there is a small fresh water river, and 20 miles to the westward, there is a more considerable river, the source of which I suppose to be at the feet of the mountains. The banks of this river, which most probably empties itself into the Hawkesbury, are high; the soil a good light mould, and covered with trees; the wood of some of these trees is very light; they are about the size of large walnut trees, which they resemble; they shed their leaves, and bear a small fruit, which is said to be very wholesome. This river likewise frequently rises thirty feet above its common level; it is, as far as I have seen it, from 200 to 400 feet in breadth. I named it the Nepean, and its source will be traced in the course of the winter; and from its banks I hope to reach the mountains, which has been attempted by a party who crossed the river, but after the first day's journey, they met with such a constant succession of deep ravines, the sides of which were frequently inaccessible, that they returned, not having been able to proceed above fifteen miles in five days; when they turned back, they supposed themselves to be 12 miles from the foot of the mountains.

"As the land for several miles to the southward, and twenty miles to the westward of Rose Hill, that is, to the banks of the Nepean, is as fine land for tillage as most in England, (some few particular spots excepted, the soil of which is poor, but bears a very small proportion to the good land) I propose that tract of land for those settlers which may be sent out; and though they will be placed at some

distance from each other, for the conveniency of water, (from one to three or four miles) they will have nothing to apprehend from the natives, who avoid those parts we most frequent, and always retire at the sight of two or three people who are armed.

"As the labour of clearing the ground of timber will be great, I think each settler should not have less than twenty men on his farm, which I suppose to be from five hundred to one thousand acres: it will be necessary to give that number of convicts to those settlers who come out, and to support them for two years from the public stores; in that time, if they are any ways industrious, they will be in a situation to support themselves, and I do not think they would be able to do it in less time. At the expiration of the two years, they may return half the convicts they have been allowed, and would want no farther assistance from Government.

"It m[illegible]y be nec[illegible]ry to gr[illegible]nt l[illegible]ds to officers and soldiers, wh[illegible] com[illegible] settlers, will of course be entitled to every indulgence; but few of the officers now here have reaped any gr[illegible]t advantage f[illegible] being allowed convicts; and it is attended with unwor[illegible] [illegible] consequences, from those convicts being left so much to themselves, and from their mixing with the [illegible] others. It may be found more to the advantage of the Crown and the off[illegible] likewise, if officers on duty in this settlement were allowed a certain quantity of grain to support their live stock, until they have a market to go to, [illegible] no doubt, but that in the third year from the t[illegible] settle[illegible] the[illegible] will be a market well supplied with grain, poultry, hogs, and goats, of all which there has been [illegible] but [illegible] from wanting corn to support them [illegible] the natives [illegible] constantly setting fire to the country, which they do to catch the opossum, flying squirrels, and other animals, has prevented swine from being turned out, as was intended.

"If the plan, of distributing amongst the settlers those convicts who are not immediately necessary for carrying on the public works, is approved of, and which I propose, as appearing to me the most likely to render this settlement independent for the n[illegible] of [illegible] in the shortest time possible, there are many regulations which will of course take place."

"Extract

"Extracts of a Letter from Governor Phillip to Lord Sydney, dated Government House, Sydney Cove, April 11, 1790.

"THE quantity of flour brought from the Cape of Good Hope by the Sirius, was less than I expected—four months flour only for the settlement, and a year's provisions for the ship's company; and it was necessary to give the ship a very considerable repair before she could be sent to sea again, which was not completed before the middle of January, when I had reason to expect ships from England in the course of a few weeks. The sending to the islands would have answered as far as procuring live stock to breed from, but which was not immediately wanted; and what the Sirius could have brought for the consumption of such a number of people, would have been but a very small relief. Howe Island had been tried several times, and only a very few turtle procured.

"The goodness of the soil on Norfolk Island, and the industry of those employed there, rendered that island a resource, and the only one that offered, when, from the time which had passed since my letters might be supposed to have been received in England, there was reason to suppose some accident had happened to the store ships sent out.

"I therefore ordered two companies of marines to be ready to embark with a number of convicts, by the 5th of March, if no ship arrived before that time; and a proportion of what provisions and stores remained in this settlement being put on board the Sirius and Supply, sixty five officers and men, with five women and children from the detachment and civil department, one hundred and sixteen male and sixty seven female convicts, with twenty seven children, embarked and sailed the 6th of March.

"The advantage I expected by sending away such a number of people, was from the little garden ground they would leave, and which would assist those who remained, and the fish which might be caught in the winter would go the farther; at the same time, those sent to Norfolk Island would have resources in the great abundance of vegetables raised there, and in fish and birds, which this settlement could not afford them; and it was my intention to have sent more convicts to that island, if there had not been this necessity.

"The provisions sent, with what was on the island, and the wheat and Indian corn raised there, more than would be necessary for seed, was calculated to last full as long as the provisions in this place; and at Norfolk Island, from the richness of the soil, a man may support himself, with little assistance from the store, after the timber is cleared away.

"As

"As I wished to send an officer to England who could give such information as cannot be conveyed by letters, and the detachment was now divided, I replaced the officer who was Superintendant and Commandant at Norfolk Island, by Major Ross; the officer I have recalled having been two years on the island, is very capable of pointing out the advantages which may be expected from it, and I think it promises to answer very fully the end proposed by making the settlement; it will be a place of security for the convicts, where they will soon support themselves, and where they may be advantageously employed in cultivating the flax plant."

"Extracts from Instructions given by Governor Phillip to the Lieutenant Governor, during his command at Norfolk Island, dated 2d March, 1790.

"YOU will cause the convicts to be employed in the cultivation of the land, in such manner as shall appear to you the best calculated to render that settlement independent, as far as respects the necessaries of life, paying such attention to the cultivation of the flax plant as your situation will admit of, and which is to be the principal object, when the necessaries of life are secured to the settlers.

"As from the great increase of corn and other vegetable food, which may be expected from a common industry, and in so fertile a soil, after a certain quantity of ground is cleared and in cultivation, as well as from the natural increase of swine and other animals, it cannot be expedient that all the convicts should be employed in attending only to the object of provisions, you are to cause the greatest possible number of these people to be employed in cultivating and dressing the flax plant, as a means of acquiring cloathing for themselves and other persons, who may become settlers, as well as for a variety of maritime purposes, and for which its superior excellence renders it a desirable object in Europe.

"You will, at every opportunity, transmit to me all such remarks or observations as you may make respecting the nature of the soil on the island, and point out such means as may appear to you the most likely to answer the views of Government in the cultivation of the flax plant, and in rendering that island independent for the necessaries of life, and for the order and government of the settlers thereon, that such information may from me be transmitted to His Majesty's Ministers."

DESCRIPTION of NORFOLK ISLAND.

Norfolk Island is situated in the latitude 29° 00′, and in the longitude of 168° 00′ east: its form is nearly an oblong, and contains from twelve to fourteen thousand acres.

The face of the country is hilly, and some of the vallies are tolerably large for the size of the island; many of the hills are very steep, and some few so very perpendicular, that they cannot be cultivated; but where such situations are, they will do very well for fuel; on the tops of the hills are some extensive flats.

Mount Pitt is the only remarkable high hill in the island, and is about one hundred and fifty fathoms high. The clifts which surround the island are about forty fathoms high, and perpendicular; the basis of the island is a hard firm clay. The whole island is covered with a thick wood, choaked up with underwood.

The island is well supplied with many streams of very fine water; many of which are sufficiently large to turn any number of mills. These springs are full of very large eels.

From the coast to the summit of Mount Pitt, is a continuation of the richest and deepest soil in the world, which varies from a rich black mould to a fat red earth; we have dug down forty feet, and found the same soil; the air is very wholesome, and the climate may be called a very healthy one; there has been no sickness since I first landed on the island.

There are five kinds of trees on the island, which are good timber, viz. the pine, live oak, a yellow wood, a hard black wood, and a wood not unlike the English beech. The pine trees are of a great size, many of which are from 180 to 220 feet in height, and from six to nine feet in diameter. Those trees which are from 100 to 180 feet in height, are in general found; from the root to the lower branches, there is from 80 to 90 feet of found timber, the rest is too hard and knotty for use; it sometimes happens, that after cutting off twenty feet from the butt, it becomes rotten or shakey, for which reason no dependance can be put in it for large masts or yards. The timber of the pine is very useful in building, and is very plentiful along the coast; its dispersed situation in the interior parts of the island, is well calculated for erecting such buildings as may be necessary. From what I have seen of this wood, I think it is very durable. Two boats have been built of it, and have answered the purpose fully.

The live oak, yellow wood, black wood, and beech, are all of a close grain, and are a durable wood.

The flax plant of New Zealand grows spontaneously in many parts of the island, but mostly abounds on the sea coast, where there is a very great quantity of it; the leaves of which the flax is made, are, when full grown, six feet long and six inches wide; each plant contains seven of those leaves; a strong woody stalk rises from the centre, which bears the flowers; it seeds annually, and the old leaves are forced out by young ones every year. Every method has been tried to work it, but I much fear that until a native of New Zealand can be carried to Norfolk Island, that the method of dressing that valuable commodity will not be known; and could that be obtained, I have no doubt but Norfolk Island would very soon clothe the inhabitants of New South Wales.

There are a great quantity of pigeons, parrots, hawks, and other smaller birds, which are now in a wild state.

The ground is much infested with different kinds of the grub worm, which are very destructive to the growth of vegetables; they are mostly troublesome about the spring. It is to be hoped that when more ground is cleared away, that this evil will cease.

There is no quadrupede on the island, except the rat, which is much smaller than the Norway rat: these vermin were very troublesome when first we landed, but at present there are but very few.

The coasts of the island abound with very fine fish. No opportunities were ever lost of sending the boat out, which enabled us to make a saving of two pounds of meat, each man, a week.

The coasts of the island are in general steep too, and, excepting at Sydney, Anson, Ball, and Cascade Bays, they are inaccessible, being surrounded by steep perpendicular clifts rising from the sea. Some rocks are scattered about close to the shore.

Sydney Bay, on the south side of the island, is where the settlement is made. Landing at this place entirely depends on the wind and the weather; I have seen as good landing as in the Thames, for a fortnight or three weeks together, and I have often seen it impracticable to land for ten or twelve days successively; but it is much oftener good landing than bad.

Anson Bay is a small bay with a sandy beach, where landing is in general good, with an off-shore wind and moderate weather; but as the interior parts of the island are so difficult of access from thence, no ship's boats have ever landed there.

Ball Bay is on the south-east side of the island; the beach is a large loose stone; when landing is bad in Sydney Bay, it is very good here, as it also is in Cascade Bay, on the north side of the island.

During

During the winter months, viz. from April to August, the general winds are the south and south west, with heavy gales at times. In the summer, the south-east wind blows almost constant.

The spring is visible in August, but the native trees, and many plants in the island, are in a constant state of flowering: the summer is warm, and sometimes the droughts are very great, all the grain and European plants seeded in December: from February to August may be called the rainy season, not that I think there is any stated times for rains in these months, as it is sometimes very fine weather for a fortnight together, but when the rain does fall, it is in torrents. I do not remember above three claps of thunder during the time I was on the island. The winter is very pleasant, and it never freezes.

The proper time for sowing wheat and barley is from May to August, and is got in in December; that which has been sowed has produced twenty-five fold, and I think the increase may be greater. Two bushels of barley, sowed in 1789, produced twenty four bushels of a sound full grain.

The Indian corn produces well, and is, in my opinion, the best grain to cultivate in any quantity, on account of the little trouble attending its growth, and manufacturing for eating.

The Rio Janeiro sugar cane grows very well, and is thriving.

Vines and oranges are very thriving; of the former there will be a great quantity in a few years.

Potatoes thrive remarkably well, and yield a very great increase; I think two crops a year of that article may be got with great ease.

Every kind of garden vegetable thrives well, and comes to great perfection.

The quantity of ground cleared, and in cultivation, belonging to the Public, was, on the 13th March, 1790, from twenty eight to thirty-two acres, and about eighteen cleared by free people and convicts for their gardens.

PHILIP GIDLEY KING.

London,
January 10th, 1791.

An Account of the Number of Convicts which have been shipped from England for New South Wales, and of the Number intended to be sent in the Ships now under Orders for that Service: Made out pursuant to an Order of the Honourable House of Commons, dated 9th February, 1791.

	Numbers
Convicts shipped — —	2,029
Convicts intended to be sent in the ships now under orders	1,630
	3,659

Treasury Chambers,
16th March, 1791.

CHARLES LONG.

—— ——

An Account of the Expence incurred in transporting Convicts to New South Wales, as far as the same can be made up.

Nature of the Expences	£.	s.	d.
Freight of the transport ships, with the expence of fitting them for the use — —	42,271	0	4
Clothing, slops, and bedding —— —	4,939	16	8
Victualling and providing for the convicts and the marine guard, prior to sailing, as also on the passage, and for a store there, viz.			
Prior to sailing - - £. 4,324 4 11			
On the passage - - 7,310 12 2			
For a store at New South Wales 16,205 3 0			
Wine, essence of malt, &c. 361 15 1	28,221	12	2
Handcuffs and irons for securing the convicts -	42	0	1
Stationary for the Commissary of Stores and Provisions, and for the Commanding Officer of Marines -	63	19	4
Tools, implements of husbandry, &c. —	3,056	8	7
Marquees and camp equipage for marine officers	389	4	1
Portable house for the Governor ——	130	0	0
Medicines, drugs, surgeons' instruments, and necessaries	1,429	15	5
Seed grain —— —	286	17	4
Carried over -	80,830	14	0

Nature of the Expences.				*Amount.*		
				£.	s.	d.
Brought over —				80,830	14	0
Old canvas supplied from Portsmouth dock-yard, for tents, &c. for the convicts, until huts could be erected — —				69	0	9
Hearths, coppers, &c. for the use of the settlement				118	10	3
Pay and disbursements of the agent to the transports employed on this service —				881	6	6
				81,899	11	6
This expence has been incurred upon the first expedition, and is all paid.						
Charge of cloathing, victualling, and transporting female convicts in the Lady Juliana, hired in December 1788, viz.	£.	s.	d.			
Paid already upon account -	4,269	18	9			
Estimate of what more may be due, upon the supposition that the ship may have been discharged at Port Jackson from the pay of this Board, at the end of August last -	3,454	3	2			
				7,724	1	11
Charge of the Justinian, hired in Nov. 1789, for a store ship to Port Jackson, and from thence to proceed to China to bring home teas for the East-India Company, viz.						
Freight for two years, the time calculated for the performance of those services out and home —	7,389	0	0			
Deduct what may be expected to be received from the Company for freight of the teas she may bring home	5000	0	0			
There remains the sum of -				2,389	0	0
Note.—623l. 2s., part of the sum of 2,389l., being the amount of the expence incurred on account of this ship, according to the above estimate, has been already paid, which leaves a balance due of 1,765l. 18s.						
Carried over -				92,012	13	5

Nature of the Expences.				*Amount.*		
				£.	s.	d.
Brought over —				92,012	13	5
Pay and disbursements of the two agents who went out in the Lady Juliana and Justinian —				1,500	0	0
Charge of victualling, cloathing, and transporting convicts, according to agreements with Mr. Whitlock, in August 1789, and with Messrs. Camden, Calvert, and King, in Novemb. 1790, viz.						
	£.	s.	d.			
Paid upon account to Mr Whitlock	17,463	3	9			
Ditto to Messrs. Camden, Calvert, and King —— ——	30,100	0	0			
	47,563	3	9			
The total expence cannot be known until the service is over, and the accounts are settled; but it is estimated that what will remain due upon the above two agreements will not probably be less than	20,000	0	0			
				67,563	3	9
				161,075	17	2

The expence incurred on His Majesty's ships sent on service to New South Wales, is estimated to be as under, viz.

	£.	s	d.
On the Sirius -	45,183	0	0
Supply tender	17,283	0	0
Guardian -	22,924	0	0
Gorgon -	10,211	0	0
	95,601	0	0

Whitehall, Treasury Chambers,
18th March, 1791.

CHARLES LONG.

N.B. In the preceding account, the charges incurred for the transport of 200 convicts from Ireland are included.

An

An Account of the Quantity and Cost of the Provisions and Stores which have been sent to New South Wales for the Maintenance and Support of the Settlements there, as far as the same can be made up.

	£.	s.	d.	£.	s.	d.
600 tons of provisions shipped in June and July 1789 -	12,034	8	6			
300 tons of provisions shipped in December 1789 - -	6,178	4	0			
450 tons ditto ditto, February 1791	9,514	10	2			
				27,727	2	8
Cloathing, comprehending leather, shoes, stockings, hats, cloths, Ozenburgs, blankets, rugs, tape, thread, &c. - -	16,865	2	3¾			
Implements, &c. comprehending implements of husbandry, iron, steel, blacksmith, armourer, carpenter, bricklayer, and masons tools, nails, hoes, axes, glass, iron pots, tin plates, fishing tackle, hooks, twine, thread, rope, hawsers, pig and sheet lead, shot, ball, gunpowder, bowls, paints, oil, canvas, bibles, prayer and other books, weights, scales, measures, waggons, &c. -	11,772	10	3¾			
Medicines, hospital stores, comprehending a moveable hospital, sheets, blankets, rugs, pillcases, chirurgical instruments and necessaries, pewter, tin, and copper ware, kettles, wine, vinegar, groceries, flannel, salt, hammocks, soup, oatmeal, barley, rice, sago, &c. -	23,129	8	0			
	51,7[illegible]7	0	[illegible]½			
Off discounts -	[illegible],[illegible]1	2	1			
				49,755	18	6½
Amount of bills drawn by Governor Phillip and Commissary Miller on the Lords of the Treasury for sundry provisions, stores, and necessaries, for the use of the settlement - -				7,070	3	6
				84,553	4	8¾

In the aforegoing account is included the cost of 12 months provisions, clothing, stores, &c. for 200 convicts from Ireland, after their arrival.

Treasury Chambers,
18th March, 1791.

CHARLES LONG.

An

An Account of the Charge and Expence of the Civil and Military Eſtabliſhments in the Settlements of New South Wales.

	£.	s.	d.	£.	s.	d.
Civil eſtabliſhment to 10th Oct. 1790	-	-		13,190	17	8
Military Eſtabliſhment.						
Pay of marines to 1ſt Jan. 1791, about	18,784	0	0			
Charge of the New South Wales corps, from 5th June to 24th December, 1789, including levy money, the allowance for clothing and accoutrements, and contingencies -	4,751	8	11			
The charge of the ſaid corps for the year 1790, according to the eſtabliſhment - -	6,134	7	3			
				29,669	16	2
Total expence of the civil and military eſtabliſhment, from the commencement thereof in 1787, to the preſent period - - -				42,860	13	10
Future annual expence of the civil eſtabliſhment - -	3,856	0	0			
Future annual charge of the military eſtabliſhment - -	6,134	7	3			
	9,990	7	3			

Treaſury Chambers,
18th March, 1791.

CHARLES LONG.

Monday,

Monday, 11th April.

Mr. *Sheridan* objected against the mode of appointing the Finance Committee, as putting it in the power of the Minister to procure nine of his own friends to decide on the truth of his own statements. Mr. Sheridan.

Mr. *Steele* contended that the appointment of a Committee by ballot was unobjectionable, even on the ground stated by the honourable gentleman, as every Member was at liberty to give in a list of such names as he thought proper. Mr. Steele.

The House then balloted for a Committee, the Members being called over in the order of the counties, and each giving in a list of nine names in the usual form.

A motion was made, "That there be laid before this "House, A list of the names of such proprietors of all the "different sorts of annuities, (life annuities excepted) as are "payable, and in the management of His Majesty's Exchequer, as were entitled to annuities on or before the 31st "day of December, 1780, and which now remain unpaid, "stating the dates when the first of the said annuities became payable, together with such descriptions of the said "persons as may be entered in the books, orders, or rolls "of His Majesty's Exchequer."

"That there be also laid before this House an account of "the money expended on the works at Somerset Place, from "the commencement to Lady Day 1791; and an estimate "of the sums which will be necessary to complete the same; "shewing how much of the money expended has been ac-"counted for, according to the course of the Exchequer, "and for how much of the remainder, vouchers have been "produced to the persons appointed to superintend the works "carrying on under the direction of Sir William Cham-"bers."

The House having resolved themselves into a Committee on the farther consideration of the Corn bill, and Mr Bramston having taken the chair,

Mr. *Powys* rose, when the clause for warehousing corn imported was read, and expressed his astonishment that, as it had been already negatived, it should have been again introduced without a general notice that it was intended again to make it the subject of discussion. Many gentleman who voted against the clause were not aware that the effect of recommiting the bill, would prove the re-introduction of the clause. Mr. Powys.

Mr. *Ryder* answered, that if the right honourable gentleman would please to recollect, he must be satisfied that sufficient intimation had been given that the clause was again to be submitted to the consideration of the House; and it was Mr. Ryder.

so submitted on grounds which demanded very serious attention. The regulations of a permanent system ought not only to be such as to provide the country with a supply of corn, when that became necessary, but to provide it with the least possible delay. If corn imported was not allowed to be warehoused, a considerable length of time after a supply became necessary must elapse before that supply could be obtained from foreign countries; and when it was obtained, the quantity brought into our ports might be sufficient for six months consumption, when we wanted only enough for three. If corn was ordered from America, to which we must naturally look for a supply when wanted, the ports might be shut against importation before the corn so ordered arrived, and the owners would become obliged to carry it elsewhere, and sell it at a loss; a circumstance which would go a great length to preclude importation from that quarter. If, on the contrary, corn imported, when the price was under the regulated price at which it was allowed to be brought to market, were warehoused, a supply would be instantly at hand, when the price rose so high as to shew that a supply of foreign corn was necessary. The system of warehousing, as far as it had gone, had done no harm. On the contrary, it had proved beneficial. On this argument he did not mean to lay much stress, because the effect had been but small, and the quantity warehoused inconsiderable. As far as it went, however, it tended to encourage the navigation and the commerce of the country, which might be still further benefited by it; and it would give the desirable means of enlarging the returns from America, and consequently extending the sale of manufactures.

Mr. Powys.

Mr. *Powys* having premised that the right honourable gentleman had intimated to him that the clause was to be again introduced, but the intimation had not been such as to be generally understood, for he had been unable to convince several gentlemen that it could be done by the forms of the House. The first ground on which the renewed introduction of the clause was defended, was, that it tended to promote navigation and commerce; and the second, that it would provide a supply of corn for the consumption of the country, always ready to be used when wanted, observed, that the first appeared to be true only with respect to America, but not with respect to countries bordering on the Baltic, from which the greater part of our foreign supplies was drawn, and from which the voyage was so short, that there was little risk of the ports being shut between ordering and receiving a supply, unless they had been opened by fraudulent means. The second was true, only when corn was plenty, and the price moderate in other parts of Europe;

because, under other circumstances, that very corn which was warehoused as a supply for this country, would be reshipped for exportation. This was the true reason why so little had been hitherto taken from the warehouses for home consumption. Mr Powys stated that two principles were laid down in the Report of the Committee of Privy Council, which he approved, and which were in direct opposition to the clause. First, that the supply of corn from the tillage of the country was the best supply; and secondly, that the stacks and barns of the farmer were the best stores of corn. The warehousing of foreign corn could not afford a supply to be depended on, unless when the price rose, an embargo were to be laid on the exportation of it, which would be in effect a breach of faith on the part of the Public towards the importers, and a proceeding so harsh, as nothing but extreme necessity could justify. On the other hand, it would depress the spirit and the industry of the farmer, who would see, that whenever he refused the price offered by the corn dealer, the latter had a quantity of foreign corn at hand ready to be poured into the market, and which, by his influence over the market, he would find, almost at pleasure, the means of introducing.

It was agreed to go through the amendments, previously to the decision upon the clause itself.

Mr. Serjeant Watson proposed adding Bridport to the number of ports at which warehouses were to be established.—Mr. Pelham mentioned Shoreham and Arundel; and Mr. Pulteney, Weymouth.

Mr. Ryder.

Mr. *Ryder* observed, that as these places had not been before mentioned, he was not prepared with such information respecting them, as enabled him to say whether it would be proper to add them or not. He next said, that with some variation from the original plan, it was meant that the Crown should pay rent for the warehouses, at the rate of two shillings and sixpence a week per hundred quarters of corn stored, and that as wheat and rye were the principal sorts of bread corn brought from a distance, they should be the only sorts stored.

Mr. Harrison.

Mr. *Harrison* contended, that those who imported corn to be stored, ought at least to pay the expence of it. This price of storing would operate as a premium on importation against the growth of the country, and the very corn so paid for, might be afterwards fraudulently exported with a bounty.

Colonel Macleod.

Colonel *Macleod* remarked, that oats were the bread corn of great part of Scotland, and that if warehousing the bread corn of one part of the country were to be paid for by the Public, that of another was entitled to the same advantage.

Much of the corn imported at Greenock was warehoused there for the purpose of being distributed along the west coast and country of Scotland.

Mr. Pitt.

Mr. Chancellor *Pitt* thought it very needless to object against allowing every advantage to one part of the country that was granted to another; nor did he see any reason for insisting on this part of the clause. He only begged that the several parts might be considered on their separate and distinct grounds; that paying for warehousing in general might not be rejected on account of any supposed inequality; and that the whole clause might not be rejected on account of the proposition to pay for warehousing.

Mr. Pulteney.

Mr *Pulteney* conceived it proper to admit the clause for warehousing, but not paying for it at the public expence, observing, that Holland, where the import and export of corn was a trade, never paid the expence of warehousing.

Mr. Ryder agreed to withdraw this part of the clause.

Lord Sheffield.

Lord *Sheffield* said, no part of the very objectionable bill was likely to be more ruinous to tillage than the clause then before the Committee. The mischief of heaping up immense magazines of foreign corn in every part of the kingdom, should be obvious to every man. It was impossible to invent any thing more injurious to tillage, than to suffer every country in the world to keep their cheap corn in magazines in this country, and in readiness to be poured, by means of our canals, into the very heart of the kingdom, whenever the ports are opened, either through fraudulent means in the districts, or because the smallest quantity of our usual consumption was wanting. The arrival of a hundred ships in one day with corn, would not ruin the market so completely as the opening of the magazines of one port would do.—More corn had been turned loose in one day than one hundred ships could carry. When our opulent dealers in corn had filled their magazines, it would be an easy matter, at a moderate expence, to raise the price of corn in the markets which regulate importation in the district, so as to open the ports, and even at the time that the price in the corn-growing counties of England might be very low. The ports and magazines once opened for importation, must remain so for three months, notwithstanding the magazines poured out ten times more than was wanted. Corn often came here at very low prices. It came from America, and must be sold in payment at any price, even below its real value, and it would be taken in payment at any rate, rather than have no payment. It so happened that some corn-growing countries, wanting bulky articles from this island, could send it almost without charging freight. Above 100,000 tons of shipping came yearly from the Baltic, from Flanders, and Ireland, to Liverpool,

verpool, for salt, and could afford to bring 500,000 quarters of wheat at a very small expence. On an average of many years, the price of wheat at Dantzic had been at 29s. 6d.; the price had been often at 30s. in Ireland; and he knew it to be the opinion of a Virginian gentleman, that it answered better, even on James River, to grow wheat at 2s. 6d. per bushel, than tobacco at 19s. per cwt., which was an high price, and that price of 2s. 6d. was only currency, and not more than [illegible]d. sterling. The farmers would soon see they could not raise corn in competition, and necessarily would turn from tillage to pasture. The desolation, and also the dependence on foreign countries for subsistence, which must necessarily take place, would be obvious to every one. Even if the farmer could afford to sell in competition, he often would not have time to bring his corn to those parts where the ports might be suddenly opened. He added, that those magazines were unnecessary; we never had such during the prosperous time of our corn trade; they were not wanted; the magazines of Holland were near enough, and famine did not come on suddenly. Ireland, by preventing importation, was become a great corn country, and would now always be a magazine for this country. His Lordship observed, however, that if the clause in question passed, the growth of corn in Ireland would be greatly discouraged, and that country would be deprived of all the natural advantages of her situation.

Mr. Ryder.

Mr. *Ryder* remarked that, in his opinion, it was very extraordinary, not to say absurd, to predict riot from that which had existed eighteen years without any such effect. Petitions had been presented from Liverpool, Manchester, and Birmingham, in favour of the clause, since it was confessedly objected against, and would probably have come from many other places, had that been known sooner. The corn warehoused could only be re-exported, when the price in other countries was considerably higher than in this; and even in that extreme case, how much worse would our situation be, without any warehoused at all?

The Committee divided on the clause;

Ayes, 56; Noes, 70. Majority against it, 14.

On the clause for dividing the country into eleven districts, with a view to ascertaining the export and import prices in each,

Mr. Powys.

Mr. *Powys* read a few lines from the representation of the Committee of Privy Council, in which he entirely acquiesced on this point, although he had not been able to discover the reason which induced the framers of the bill to deviate from the opinion there laid down. The passage was, in substance, That, according to the principles of the corn trade, one ge-

neral

neral average ought to be formed on the prices in all parts of the country, because such a regulation would tend to equalize the price, to supply one part of the country from another, and to keep a sufficient stock of corn in the kingdom On this he should rest his objection to the division into districts.

Mr. Ryder.

Mr. *Ryder* contended, that the opinion of the Committee of Privy Council was entitled to great weight; but the experiment of a general average, as far as it had been tried, had not been found to answer. The growing counties complained that their ports were not opened soon enough for exportation, and the manufacturing counties complained that their's were not opened soon enough for importation.

Mr Powys moved, "That the average should be taken, "not by districts, but on the kingdom at large"

Lord Sheffield

Lord *Sheffield* said, he should prefer the average of the whole kingdom, as the only means of preventing frauds; but, to remove the objections which had been started, he should only propose it in respect to importation, and that exportation should be regulated by the average of the district, which was the mode pursued by Ireland, and had answered very well He added, that his only objection to the average of the whole kingdom was, that it would open the ports to importation considerably sooner than the average of the maritime districts, but he thought it by far the most reasonable and best mode.

On the question being put, the clause was carried by a division,

Ayes, 65, Noes, 58.

The House adjourned.

Tuesday, 12th April.

Mr. Grey

Mr. *Grey* now rising, observed, that he had designed to introduce a motion for the House to resolve itself into a Committee on the State of the Nation, and also to have followed up that motion with certain propositions in that Committee. As the present situation of the country was one of the most important and critical, he had conceived that every opportunity would have arisen for the most ample discussion of the resolutions which he should have had the honour of proposing: but having been given to understand, from high authority in that House, that an objection would be taken to such a Committee, and that this objection would be supported by strong reasons; and knowing, as he did, that it was nearly the same thing whether the objection was supported on strong grounds or not, he had been induced, for the present, to deviate from his intention of moving for that Committee, in order to come immediately before the House with certain propositions. If

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were to adapt his conduct to what he had some reason to believe would be the conduct of those opposite to him, it would not prove necessary for him to trespass much upon the patience of the House: merely to state his propositions, and to beg the acquiescence of the House in those propositions, would, in such a case, certainly suffice; and his claim to do so, might not, perhaps, be altogether unreasonable. For, there was not one man who would not find himself ready to admit them upon the principles of common sense, and on a ready confirmation of those established principles of policy and justice, which had ever regulated all wise men who had taken any part in the councils of the nation, and which had never been departed from, but by those whose ignorance and obstinacy had led them to act in a manner unworthy of their stations. Notwithstanding the truth of these observations, before he ventured to ask the acquiescence of the House in his resolutions, he should endeavour to support them by the best arguments which occurred to him, leaving it to his friends to supply his defects, which he had no doubt but they would do with the greatest ability. He hoped to be able to persuade the House of the truth of all the propositions which he should state. He conceived that there were some points concerning which mankind were generally agreed. There were some truths which appeared to be so clear and evident, that no man was disposed to dispute them. Among these, he conceived, must be reckoned the just causes of going to war. Of this nature, also, were those maxims of policy, which ought to govern this country in all its connections with foreign powers. The only just cause of war originated in the principle of self defence. This principle of self-defence was not confined to nations in the same manner as it was to individuals. Individuals were only allowed to avail themselves of this principle, when the danger was imminent and pressing, and where the laws instituted for the protection of society, could not operate and ensure their safety. A nation's right of attack, was founded in, and must originate out of, the principle of self-defence; and no war could be justified on the grounds (to use a fashionable phrase) of political expediency, whatever the consequences of it might be, and however profitable and advantageous it might turn out to the State. The principle of self-defence, therefore, was the sole ground on which a war could be justified. The cases where a war was just, might be reduced to three heads: 1st, when it was undertaken to redeem a right forcibly withholden, and to which we had an irresistible claim; secondly, in providing for future safety; and the last, a right of repelling an unjust attack. These were the only three causes which could justify any war, except another, which might

might be included under the third, and that was where an ally had been unjustly attacked. He laid particular stress upon the words "unjustly attacked," not being willing to admit, that when an ally was an aggressor, and refused to make reparation, the nation with whom he was in alliance was obliged to support him. A nation was bound to support an ally only in the case of an unjust attack, and even then only according to the specific meaning of the treaty entered into between them. The only three causes, therefore, for going to war, were, to redeem a right, to provide against danger, and to repel an attack; and any principle of supposed policy which stood in opposition to these three causes, and did not come within one or other of them, could never be a just cause of war. *Omnia quæ defendi, repeti, repelli possunt.* These were the words of Camillus to his soldiers, and they were full of wisdom, policy, and justice. These were the only just causes of war, on the established principles of the law of nations. For the war on which they were now about to enter, what were they called to do? To redeem a right, to provide against danger, or to repel an attack? Was there any danger which at present threatened this country? Had any of their rights been violated, or any unjust attack made upon them? He should content himself with answering to these questions. He might rest on these general principles, and call for an answer from the other side of the House: but a sort of answer had been already attempted. A new system had certainly been proposed to the House; a system which that House did not understand, and which could never have entered into the mind of any reasonable man. It was no easy matter to argue a proposition which had no precise definite meaning. The theory of treaties which had been stated to the House, he did not pretend to understand; but he did understand something of the Prussian treaty. By that treaty, Great Britain, in case of an unjust attack, engaged to furnish the King of Prussia with a certain number of troops, or with a certain sum of money. He trusted that he should not be told that the moment they entered into this treaty with Prussia, they were bound for all the other engagements of the King of Prussia. He had always understand the treaty to be a treaty of defence, and it was impossible to be so construed, as to justify the war in which they were about to engage. The treaty into which we had entered with the King of Prussia was laid before the House; but if we were bound for all his other engagements, all the treaties of the King of Prussia with other Powers ought likewise to have been laid before the House. He had never considered the treaty in that light, neither had that House ever considered the treaty in that light. The right honourable

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gentleman himself had stated, that it was only to furnish a certain number of troops in case the King of Prussia was attacked. Was he attacked? Had he any reason to expect an attack from the Empress of Russia? From any occurrence which was intimated to the House, when the Prussian treaty was laid upon the table, could any man possibly imagine that Great Britain would have been bound by that treaty, under the present circumstances? But there was a system behind. It had been contended that the character and honour of the country were concerned. What a way was that of treating the House? For what purpose was the treaty laid before the House? Was it to consult the House with regard to the engagements into which His Majesty had entered, or was it for the purpose of deceiving the Public, and the House, and proposing to them a treaty which held out that we were engaged in a system of defence, when, in fact, it meant perfectly a different thing? Suppose at the time when the treaty was before the House, that it had been a condition in the treaty that Great Britain should go to war with Russia, whenever Russia should possess herself of Oczakow, would any man in the House have assented to it? Could the Minister, with all the confidence which that House was disposed to place in him, have ever procured their approbation to such a condition? It was impossible. This country was at peace, and they ought to adhere to that defensive system which had been so wisely recommended to them. In every other respect, the treaty was unexceptionable. Such a measure as the war now proposed must give offence to a Power with which it had always been considered as the greatest interest of this country to maintain the best understanding. The language of the treaty was, that Great Britain and Prussia had entered into a defensive alliance. The language of that House was, that they had entered into an offensive treaty. If such a construction had been given to the treaty at the time, no man in that House would have supported it. How, or upon what principle, could they support it now? It was a system which in its consequences went infinitely beyond the treaty: all to which they were bound by the treaty, was to furnish the King of Prussia with so many troops; or, in case he liked it better, with a certain sum of money. By the system now adopted, they were engaged at once in all the expences and consequences of a war, of which no man could see the policy, and of which no human prudence could limit the extent. Perhaps he might be told, that he had admitted that a country was bound, for its own safety, to guard against the dangerous aggrandisement of any one Power. This was certainly true; but he must be understood to suppose, that that aggrandisement was aimed at by violent and unjust means;

that it was clear and obvious, that the danger arising from it was evident, and the not providing for it in the best way in our power would be to neglect our own safety. But this he would not admit upon any contingent and remote view, such as could arise from the equity of a treaty entered into with an ally, and not immediately connected with any interest of this country. In such a case, he certainly would not admit that explanation. It was on this principle, on the first view of it, that the balance of the power of Europe had been founded. This, he contended, was a system which ought not to be left to the management of agents, and unskilful hands. To that system and to the preservation of it, he had heard the epithet of wild and romantic applied. He would not inform the poor peasant in the country, when he read of it, by his rush light, that he was deeply interested in the preservation of that balance; and if it were necessary, he would advise the peasant to submit to new burdens, in order to preserve that [illegible] any [illegible] danger. But the reverse of that system [illegible] and the country was no longer to [illegible] the wise and cautious policy, which had [illegible]. They were now to contend [illegible] as if they were fighting for [illegible] altars. This was a source of affliction to the peasant, and those who proposed to lay new burden on him for this purpose, [illegible] insult to oppression. He thought that those who had been so loud in [illegible] the balance of power, would have explained their own system. He had watched them closely, and he believed that he had seen some of the workings of [illegible] in their minds. They had changed their [illegible], and had now [illegible] that the balance of power in Europe was no longer a [illegible]. But although they had [illegible] opinion, Mr Grey said, he certainly had not changed his. He considered the balance of power in Europe as an object of great concern; and if they could show him that that balance was in the least danger, he should certainly give his vote to rescue it from that danger. But before he consented to plunge the country into all the horrors of war, he must be convinced that the danger was suited to the case. It must be shewn him that the possession of the town of Oczakow was such as would materially affect the interest of this country, and would endanger the balance of power in Europe. Upon what principles, or for what reasons, could we complain of the terms which the Empress of Russia had insisted upon? How could any danger arise to this country? If they looked upon the Empress with as jealous an eye as some people did, they would think that the way for her to aggrandise herself in a manner the least offensive to this coun-

try, would be to push her conquests to the South. But the right honourable gentleman had observed, if this was the case, would not any man see the necessity of arming? For his own part, Mr. Grey added, he was not one of those who sought for war on suppositions What the Empress of Russia sought was simply this—the town of Oczakow and the country between the Bog and the Neister; and how could it possibly be stated that the acquisition of this territory was so material an acquisition to the Empress, as to make her formidable to the rest of Europe, or to Turkey? In fact, it was not very material for either of these objects. In the first place, with regard to defence against Turkey, that place was not of very great consequence. The Empress had pushed her conquests to Mount Hemus, and the Grand Vizir had been left with ten thousand men. Upon what principle did they contend that this place was of so much importance? Could it give her the navigation of the Nieper? According to the most accurate information which he had been able to obtain from such as were acquainted with those parts, and from the inspection of the best maps, it appeared that the Empress might possess the Nieper, without being in possession of Oczakow. The acquisition of that place, therefore, was not of so much importance as it had been represented. The country between the Bay and the Neister was known by the name of the Desert Plains, which circumstance might give gentlemen some idea of what importance that territory was likely to be of to the Empress of Russia. Although the country was barren, it was inhabited by some Tartars, who plundered the dominions of the Empress; and in order to secure herself against future attacks, she had claimed that place of defence for her own territory. Was there any thing unreasonable in this demand? When it was considered that the Turks were the aggressors in the war, could it be stated that the terms were unnecessary, or unjust? Could it be said that the acquisition of such a territory would prove of any material disadvantage to this country? But suppose it had been of ten times more importance than it really was, of what consequence was the Black Sea to Great Britain? He believed that it was the only sea which British ships did not navigate. Was it then to be secured for the trade which this country was to have with Poland? He thought that the important trade of Great Britain carried on with Russia, must be greatly interrupted by the present war; and sure he was, that it would prove difficult to persuade the country of the necessity of war. Our trade with Russia was the most advantageous of any to Great Britain; it furnished materials for our manufactures, and proved an excellent nursery for seamen. Our exports to Russia amounted annually to about two millions

ſterling; and our imports to the amount of one million.— The duties on the export trade amounted annually to the ſum of 300,000l. In this trade upwards of 850 ſhips were employed, all of them Britiſh, except four or five. Was it prudent or wiſe, therefore, to interrupt ſuch a trade, to which was to be added, the immenſe expence of the war? Mr. Grey remarked, that if he quoted a reſpectable authority on this ſubject, it was not merely for the ſake of that authority, but really from thinking that his conduct was founded on the wiſeſt principles of policy and prudence. In 1759, when Great Britain was in alliance with the King of Pruſſia, and when the latter was preſſed by the victorious arms of Ruſſia, he earneſtly ſolicited Lord Chatham, as the only means of providing for his ſafety, to ſend a fleet into the Baltic. What was the anſwer of that Miniſter to his Pruſſian Majeſty? He conſidered our trade with Ruſſia to be of ſo much importance, although it did not then amount to one third of what it does at preſent, that he refuſed to enter upon the very meaſure which was now in agitation. This was the policy of Lord Chatham, and had been the policy of all ſucceeding Adminiſtrations: it had been the policy in 1770 and in 1783. If it was formerly unneceſſary to the intereſts of this country to oppoſe the growing power of Ruſſia, what new circumſtance had ariſen to make that an eſtabliſhed policy? What had happened within the laſt ſix months to alter the policy even of the preſent Adminiſtration? Why had they been aſſured, repeatedly, theſe three years, while the war between Ruſſia and the Porte was carrying on that the intereſts of Great Britain were not at ſtake, and that there was no probability of the interruption of the peace and tranquillity of the country? It was incumbent on the right honourable gentleman to ſhew ſome ground for the preſent war; till he did ſo, on every principle of juſtice and policy, the Houſe ought to refrain from it. Mr. Grey contended that it was neither juſt nor politic. He had, perhaps, gone too far into this ſubject, and that what he had ſaid had been rather the repetion of what had been formerly obſerved than any thing new. It had been done for the expreſs purpoſe of drawing ſome anſwer from the other ſide of the Houſe. He conceived that they ought to give ſome reaſon before they proceeded to the war. He truſted that he had eſtabliſhed all the points which he thought it was neceſſary for him to inſiſt upon. There only remained a ſingle conſideration, and that was, one way in which theſe reſolutions might be treated. He meant to move a ſtring of different reſolutions, firſt of all ſtating the general intereſts of this country, and the general principles on which war could be juſtified. Theſe reſolutions alſo contained the nature

nature of our connection with foreign Powers; and lastly, as a conclusion from the whole, they asserted that the present armament was unnecessary. The first resolution might be considered as a truism. If the first proposition which he should submit to the House were true, and the result false, let the other side of the House shew that the conclusion did not follow. He did not wish to alarm the country, by representing that there was a want of resources, but he was sure that every addition to the burdens of the country, in the present situation, must be severely felt; and in order to induce the people to bear them with chearfulness, that House ought to proceed on principles of justice and honour, and shew the people that such burdens were really necessary. If the consequences which he had drawn from the first proposition could not be supported, let the right honourable gentleman shew it by argument; but if the right honourable gentleman, as usual, endeavoured to wrap himself up in the veil of State secresy; if he strove to avoid what he could not answer, and to have recourse to a previous question, and to the order of the day, let gentlemen consider well what they owed to themselves, and to their country, before they concurred with him in a measure which must be attended with ruinous consequences. Such a war could never do credit to the character of the country; it could not be justified on the principles of either policy or reason. He could not sit down without previously taking notice of those doctrines of confidence which were every day carried to a greater extent, and which converted the House of Commons into what was little better than the Parliament of Paris previously to the late revolution. If this doctrine of confidence was still extended, that House would serve no other purpose but merely to approve and register the acts of the King's Ministers. Mr. Grey declared that it was his glory to announce, that he had attached himself by principle to his right honourable friend, (Mr. Fox) and to a set of men not meriting the foul aspersions cast upon them, in a former debate, but on the contrary, deserving the praises of their countrymen for resisting, on all occasions, every principle which was unconstitutional. It had been his lot to stand forward more than once against this blind confidence which had been claimed by the Minister, and which many of his friends were willing to give him. Whatever Minister claimed such confidence, he should oppose him. To this every Member was engaged by every duty which bound him as a representative of the people. He did not claim to himself any exclusive merit for having stood forward on this occasion; he had not done it without the approbation and concurrence of his friends. He did not suppose that the subject had received any weight because it

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was proposed by him; the only reason why he stood forward then, as he had done on other occasions, being because it had been thought that it was better for the cause that the weakest should come first, and the strongest follow, in order to make up for his deficiency, by their more effectual support. When they had engaged to wage war against Spain, he had the honour of cordially concurring in an unanimous vote. When the convention of Spain was announced to that House, no [illegible] rejoiced at it more than he did; but he thought it was [illegible] that he should know whether the money which had [illegible] expended was necessarily incurred or not. He conceiv[illegible] [illegible] was not; but undoubtedly the House had entertain[illegible] [illegible]rent apinion. It was not for him to arraign the Ho[illegible] [illegible] so deciding; he hoped, however, that he should [illegible] be supposed to have acted contrary to his duty on the pre[illegible]t occasion, although he had made a motion which proved unsuccessful. In the contest with Spain, some grounds had been stated. An insult had been offered, and satisfaction refused. On the present occasion, they were desired to give the Minister credit for every measure which he had proposed; they were to act on his bare word. This was no part of the necessary confidence due to the executive Government, and he hoped that such confidence would never be given. They might represent it under the name of legal prerogative, if so, they ought to be able to prove it by something better than mere assertion. Mr. Grey declared, that he had not the smallest objection to the Royal prerogative, and particularly to that part of it which enabled the Crown to make peace and war, and to manage foreign negociations; but he trusted that those were the best friends to the prerogatives of the Crown, who wished to confine it within its proper limits, and that it might not be so used as to produce its own destruction. It was originally allowed for the good and safety of the people, and if any contradiction arose between the good of the people and the prerogative of the Crown, it was not difficult to foretell what must prove the consequence. He hoped and trusted that the prerogative of the Crown would never contradict the duties of that House. It was the indispensable duty of that House to enquire into the justice of voting away the public money; and he hoped that it would never be considered as invading the prerogative of the Crown. Ministers claimed the confidence of the House of Commons; but suppose that the House should afterwards be persuaded that the war was impolitic and unjust, and that the measures taken deserved the severest punishment, might not Ministers come with the vote of approbation in their hands, and say, "Can you, who have approved, come "now and condemn that to which you have already given

"your

" your sanction? you have approved of these measures, and
" therefore you cannot now blame us, or start objections
" against their nature." Mr. Grey now concluded his remarks, with the following motions:

1. " That it is, at all times, and particularly under the
" present circumstances, the interest of this country to pre-
" serve peace."

2. " That it is neither reasonable nor just to take up
" arms for the purpose of dictating terms of peace between
" nations engaged in hostilities, without any reference either
" to the causes of the disputes, or the circumstances of the
" war."

3. " That the refusal of an offer of mediation, is no just
" cause for war."

4. " That during the progress of the war between Russia
" and the Porte, and since the taking of Oczakow, this
" House has received repeated assurances from the Throne,
" That the state of affairs continued to promise to this
" country the uninterrupted enjoyment of the blessings of
" peace."

5. " That consistently with the truth of the assurances which
" we have received from the Throne, this House has hitherto
" considered the interests of Great Britain as not likely to be
" affected by the progress of the Russian arms on the borders
" of the Black Sea."

6. " That we are not bound by any treaty to furnish as-
" sistance to any of our allies, except in the case of an attack
" upon them."

7. " That none of the possessions of this country, or of
" any of its allies, appear to be threatened with an hostile
" attack from any foreign power."

8. " That the expence of an armament must be burden-
" some to the country, and is, under the present circum-
" stances, as far as this House is informed, highly inexpe-
" dient and unnecessary."

Major Maitland. Major *Maitland* observed that, in rising, as he did, to second the motion of his honourable friend, he was well aware of the present critical, important, and he feared that he was too much justified in adding, calamitous situation of the country. It had not been reduced to this state by any necessity of protecting an ally, but by the unjustifiable measures and iniquitous conduct of the right honourable gentleman, in involving it in an useless and unnecessary war. It was perfectly unjustifiable, inasmuch as no one good reason ever had or could be assigned for such a measure. The right honourable gentleman still in theory, whatever his practice might be, had holden forth to the House the language of peace; and they must well know, that any Minister of this country,

country, who wished to raise his character for popularity, must found it on peace. To maintain peace with dignity and with honour to ourselves, and when the melancholy hour came for entering into a just war, to do it with spirit was a character becoming this country, a character which he trusted still belonged to this country, a character for moderation, gallantry, and humanity. To support that character uncontaminated, was surely the united aim of every gentleman who then heard him. A bloody war was always an object of regret, as being invariably attended with great expence. It was, however, some consolation to reflect, that however deeply the country was already distressed, particularly the most numerous part of the community, there was still that spirit left, still that vigorous principle in all ranks, which would enable them to bear additional burdens, and make them lay light on their shoulders, provided they were convinced that war was entered into on some justifiable ground. They ought, then, to consider where they stood, and be careful to impose no burdens but those which were necessary. The subjects of this country were jealous of their honour, and therefore they would be ready, at all times, to suffer new burdens, to spend their last farthing, and the last drop of their blood to support their honour. The right honourable gentleman, a few days ago, had brought down a message to that House, and they had pledged themselves, in some degree, to support the war, and for that purpose to lay new burdens on the people. No principle of equity had been attempted to be stated. Could it be said that they had a right to go to war on any principle of moderation? Clearly not; for the very act of war was destructive of moderation. It was not to preserve the faith of treaties, for no treaty had been violated. Was it for national character, or national honour? Far from it. Why, then, did they enter into the war? Was it to support a balance of power? It was to support a balance of power never before heard of; an ideal balance of power, which was never before entertained, and which was never supposed to have any relation to the politics of Europe, nor any connection with its political safety or existence. For whom did Great Britain stand pledged? Was it for a people always connected with her? Was it for a people carrying on an extensive trade with her? No. It was against them, and in favour of those who, for the space of the last century, had been joined with France against us, whose conduct was always marked with inhumanity, and whose character and manner were a disgrace to human nature. The national character, by this measure, must be inevitably lost, and the character of a nation was like that of an individual. This country must fall from its character of

justice, generosity, and moderation; and must sink into the character of a bully, a tyrant, and an oppressor. What could be so disgraceful as to enter into a war which could on no ground whatever be justified? What so tyrannical, so oppressive, or unjust as to wish another power to do that, which we, in a similar situation, would not be content to do, and which no nation would ever submit to, unless the most positive necessity dictated that submission? Great Britain had [illegible] upon herself and all her posterity, the [illegible] enmity of Russia, [illegible] from the moment the King's message [illegible] the House, they [illegible] enrolled it [illegible] of the [illegible] Empress. They had lost all their advantages and [illegible] in the event of a future war. Mr. [illegible] remarks, said, that he would attempt to [illegible] investigation of the principles which [illegible] actuated the right honourable gentleman [illegible]. He [illegible], that to do so was [illegible] the whole [illegible] [illegible]

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ag-grandisement of [illegible] but he would go further. Suppose the [illegible] had driven the Turks out of Europe, and had taken possession of Constantinople, ought we then to go to war? No. But the right honourable gentleman had discovered that there was a system [illegible]. The House would [illegible] to consider how [illegible] stood with regard to reciprocity. We [illegible] Russia was carrying on a war [illegible] which she had been forced [illegible] the Turks. If, therefore, the Empress entered into a war in which she

likely to be aggrandised, though forced into it, yet we must immediately take up arms. The nature of the system was exactly this. We had engaged ourselves to be ready, at all times, with an army for the protection of Europe, when Prussia could never be under the same necessity to arm for us. By this system, we were bound to expend our last shilling, and the last drop of our blood, without a prospect or a hope of a return. Where then was the reciprocity of this treaty? [illegible] entered into between the parties, [illegible] not to proceed even [illegible] to infringe on [illegible] Royal [illegible] and least of all on the [illegible] but if [illegible] with that spirit [illegible] which the times demanded, they would take care [illegible] should not be stretched beyond its due bounds, [illegible] had placed in the hands of this House the most [illegible] check on that power. If [illegible] allowed the [illegible] pleased, [illegible] unlimited [illegible] there was an end of all national honour, and [illegible] the power of [illegible] this country to [illegible] from which we might never be able to extricate ourselves. Every treaty [illegible] beyond that [illegible] If [illegible] limit [illegible] to [illegible] might they not go [illegible] It was perfectly defensive, the system arising out of it, perfectly offensive. The treaty itself was founded on the principles of equity, moderation, and sound policy; whereas the system [illegible] held out nothing but oppression, injustice, and [illegible] The Emperor had [illegible] peace with the Turks, and the Empress of Russia was [illegible] to put an end to the war on reasonable terms. Why then should Great Britain compel the Empress to give [illegible] which she had taken? It was said that Oczakow opened [illegible] navigation into the Black Sea, but it was evident to every one that Russia could navigate that sea ten years ago, and that it did not depend on her possessing Oczakow. The Empress had made a very reasonable demand for the blood and treasure she had spent in the war; for that she only asked Oczakow, and the country round it, and it was that which was to prove fatal to this country. Certainly it would, but not in the way they had fancied; it would prove hurtful to our finances and our nation, if Ministers went on with a causeless war. If the Empress aimed at universal dominion, then they might apprehend a little for Prussia; but could any moderate man state or think, that her scheme was a scheme of conquest? Could any man state that Berlin was in danger? The present interference, in his mind, was unwarrantable; it was a pre-

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scription of terms on which Great Britain had no business whatever to intermeddle, and he therefore thought it highly disgraceful to this country. It was not to support national character, national honour, nor for any other reason, but that Oczakow might be in the hands of the Turks. This, it seemed, was the pivot of European politics, and the center of commerce. We had expended four millions on Nootka Sound, which was not worth a shilling to us. We had expended also very large sums on the war in India, and it was now contended that the safety of Great Britain consisted in putting Oczakow into the possession of the Turks. The King's Ministers did not act like sober-minded persons; they were not like merchants, who were cautious of entering into engagements, but ever ready to fulfil them, and always satisfied with a fair profit. The authors of the present system were playing the part of desperate speculators, and the whole scene would at last terminate in an universal bankruptcy, and the fatal hour, he believed, was not far off.—Since the right honourable gentleman had come into power, the finances of the country, it must be admitted, had been in a considerable degree of prosperity; but it should be remembered, that there were many adventitious circumstances which contributed to that prosperity. The disturbances in Holland, in the Netherlands, and in France, had each tended to throw into the hands of the British merchants, many rich sources of commerce: that, he supposed, would be easily granted, but that could not be considered as a permanent source of revenue. A settlement had taken place in Holland and the Netherlands, and the hour was not far off, when France would again raise her head among the powers of Europe, renovated and purified from all her former pollutions, and cured of all her former defects; she would then find us with our constitution on the decline, palsied in every limb, and far gone, in consequence of having been put into the hands of ignorant, self-conceited quacks. Did they not all know, that the House and the country were at present groaning under the pressure of the recent four millions? It had been said that the war in India would be paid by the Company, and a great deal more of rhodomontade of that sort had been stated; but let it be recollected, that the right honourable gentleman himself had declared that he considered this country as engaged for every shilling of the expence of an Indian war. Though this expence might not fall in as the current expences of this year, or of the next year, yet it would come some time or other, and prove an insupportable burden to the inhabitants of this country. The debt which had been already incurred in India, on account of the war, exceeded six millions, and it might amount to ten or twenty millions

more before it was concluded. To this was to be added, the loſs of our trade with Ruſſia, the moſt advantageous trade to Great Britain, furniſhing the beſt nurſery for ſeamen. He reminded the Houſe, that it was by this trade that our beſt ſeamen were raiſed, and our beſt ſhips built, and therefore we were like madmen, acting for themſelves. It was but the ſailors deſtroying the Britiſh navy. If no fleet could act in the Baltic, why keep up any number beyond the peace eſtabliſhment, ſince if they could not act, they were uſeleſs. At the time the convention took place with Spain, the fleet was as well manned and armed as any which had ever exiſted in this country, and Miniſters then ſhould have looked round them with a very jealous eye, before they diſmantled that fleet. But it was ſaid that economy was the object. That economy had led them to vote five or ſix millions, and to ſave an hundred thouſand pounds! But what public benefit would poſſibly accrue to the country by the preſent war? — The cauſe of the war could only be an extenſion of the already extended patronage of the right honourable gentleman. He adviſed them, therefore, to uſe their eyes, and look before; for they were on the edge of a precipice, and every moment in danger of falling. If the ſhort eſtimation for ſetting millions, was ſilence, they could only account for it in the iniquity of the cauſe.

The Speaker put the queſtion on the firſt reſolution, when

Lord Belgrave. Lord *Belgrave* roſe, and remarked, that it was neceſſary, to a certain degree, to place confidence in Miniſters, and that it was not claimed by the preſent Miniſters on any vague or undefined ground, but on the unequivocal and ſure one of experience of their former merits. Theſe, he preſumed would be ſufficiently elucidated in the occurrences of 1787, and of the laſt year. With regard to the reſolutions moved by the honourable gentleman (Mr. Grey) he would not enter into a ſpeculative conſideration of them. The firſt, in particular, might be true, as to the general queſtion; peace was certainly more deſirable than war; but it was an undoubted truth, that even war was preferable to diſhonourable tranquillity. The honour and intereſt of a country were inſeparable, and it might not be conſiſtent with the honour of this country to accede to the terms of peace which the Empreſs of Ruſſia had propoſed. As to the intereſt of the country, ſo far as it might be affected by the deſtruction of the balance of power, he judged that the interference of one nation would be neceſſary, when another was in danger of being exterminated. Thoſe who looked only at the ſurface, might ſee nothing alarming in the acquiſition made by the Empreſs. Oczakow, and the country between the Bog and the Neiſter, might not in themſelves be conſidered as of ſo very great importance;

portance; but gentlemen should reflect, that these led to the acquisition of Constantinople, and from thence to Lower Egypt and Alexandria, which would give to Russia the entire supremacy of the Mediterranean, and render her a formidable rival to England, as a commercial and a maritime power. As to the resolution which went to condemn the present armament, as impolitic and inexpedient; that Parliament could not agree to, without being guilty of a contradiction; for they had already expressly approved this armament, and declared themselves ready to furnish the supplies necessary to support it. He should, therefore, move the previous question, as the best way to get rid of this resolution.

Lord Belgrave concluded with some farther elucidation of the doctrine of confidence. Much, he said, ought to be entrusted to the discretion of a Minister, who had proved himself worthy of the trust; but still much ought to be ascribed to accident and good fortune. Prudent dispositions only were in the power of men; the rest was at the disposal of Providence. A Minister, who had exerted his best abilities in the service of his country, had at least the comfortable feeling of self approbation.

Cras vel atra
Nube polum pater occupato;
Vel sole puro: non tamen irritum,
Quodcunque retro est, efficiet; neque
Diffinget, infectumque reddet,
Quod fugiens semel hora vexit.

HOR. L. 3. Od. 29.

Mr. Pybus.

Mr. *Pybus* rose to second the motion made by Lord Belgrave, and expressed his perfect concurrence with the honourable gentleman opposite to him, in their construction of the treaty with Prussia. It certainly had always appeared to him a defensive treaty, in the strictest sense of the term; and if such were the real scope and nature of it, it was undoubtedly true that we were not *bound* by any article in it to come forward as an armed negociator of a peace between Russia and the Porte. But though it did differ essentially from a treaty of offensive alliance in this fundamental point, that we were not obliged to assist the Court of Berlin in any designs of national aggrandizement, nor to countenance such hostilities as ambition and a love of conquest might tempt it to commence; though our interference in disputes upon the Continent, could not be insisted upon as a matter of *obligation and faith*, yet it would be a most extraordinary mode of reasoning to contend that, because we had connected ourselves by some sort of treaty with Prussia; because a close and friendly alliance did actually subsist between us; and because,
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with reference to that alliance, we were necessarily in some degree strong in her strength, and safe in her security; we should therefore be precluded from taking those steps which might restore tranquillity, and be for the general interest of Europe; which might preserve the value of that defensive system we had formed, by preventing an important injury to our ally; and which might be absolutely necessary for our eventual protection. We should have been forming treaties upon curious principles indeed, if the effect and operation of them were to place us in a much worse situation than we should have been, if no such treaties had existed: if we had renounced the means of guarding and averting evils from ourselves, and abandoned all right of adopting such measures, as would have flowed from clear and rational policy alone, without any continental connection whatever. What was the principle of our interference in the internal disputes of Holland? Were we under any foederal necessity of becoming parties to altercations respecting its municipal government? Under what treaty had we guaranteed a specific mode of civil establishment in that country? Upon what point of honour did we feel ourselves called upon to decide between two parties in the State, upon a question of civil right and authority? or to what imputation of *mala fides* should we have been subject, if we had remained totally neuter and inactive? In fact, we were under no such foederal necessity; we were not guarantees to such effect; we were not bound in honour to interfere; we were liable to no such reproach: but we consulted our own interest as a nation; we looked to the salvation of our own political importance in the scale of Europe, and successfully resisted that ascendancy which France was labouring to establish, and must have produced its destruction. Mr. Pybus said, he had not the absurd vanity to affect having received from his right honourable friend any communication upon this subject; for none could be made, without a criminal violation of his duty to his Sovereign, and a manifest tendency, either at the present crisis, or by example, to hurt the interest of his country. But Mr. Pybus thought that the posture of affairs in the North, and the formidable success of the Russian arms, afforded in themselves quite information enough to justify the belief, that this country was actuated by the same spirit, and had interfered upon the same grounds of policy, as were the basis of her conduct in Holland, without feeling herself under any obligation to do so, from an article of any existing treaty. It was the avowed opinion of the most distinguished Statesmen on both sides of the House, that Great Britain was deeply interested in the situation of political affairs on the Continent, and that her exertions were never better and more judiciously employed than

than in preſerving the balance of power in Europe. An honourable gentleman had ſaid, that conſidering the Turkiſh dominions as being of any weight in the ſcale, was an idea altogether new and unprecedented. Without enquiring minutely into the correctneſs of ſuch an aſſertion, though he believed the honourable gentleman would find, upon examination into the politics of France, and the hiſtory of the Turkiſh empire, that the idea was not altogether of ſo modern a date as he had repreſented it, Mr. [illegible] begged leave to ſtate the grounds on which he thought this matter ought fairly to be conſidered. Setting aſide, therefore, all ideas whatever of the intrinſic importance of the Turkiſh Government, the queſtion would be, not whether the Ottoman Empire had been uniformly conſidered by the cabinets of Europe as a proper object of jealouſy to the other States; but whether a defalcation from it in favour of Ruſſia, who had been univerſally ſo conſidered, might not throw into her hands ſuch additional advantages, as would greatly increaſe her conſequence as a maritime Power, and make her dangerous to the ſtrength and intereſts of the neighbouring nations. Ruſſia, from the nature of its produce, and from other circumſtances, had been ſtyled a fitter and more rational object of alliance to this country, than the Port could be. He was, however, ſtrongly convinced, that if we ſuffered her to realize her obvious ſchemes of conqueſt and dominion, ſhe might hereafter, and, as States were more frequently guided by the law of power than that of morality or juſtice, probably would (at leaſt it became us, for our own ſecurity, to act as if we thought ſo) do us infinitely more harm, than her friendſhip could poſſibly do us good. She was certainly enabled to be extremely uſeful to us in ſupplying us with articles for our navy. But it ſhould be remembered, that ſhe was not excluſively ſo, and that other ſources of ſupply were open to us. The loſs, therefore, of ſuch a market for her ſtores, would preſs more ſeverely upon her trade, than it would upon our convenience. This country, however, ſhould take care to prevent her having the beſt and moſt ſubſtantial reaſon for withholding them from us, by their becoming more neceſſary for her own conſumption. Relying as we did, and he hoped always ſhould do, upon our naval ſtrength, as the ſolid baſis of our power, we ſhould regard every attempt to rival us in that, and to diſpute our ſuperiority at ſea, with the moſt ſerious jealouſy. Ruſſia, in its preſent extent, could hardly ever be formidable to us in that reſpect; but naval importance was a favourite object of the Empreſs's ambition; and he was ſure the Houſe muſt be aware of the maritime advantages ſhe would derive from her acquiſition of the Turkiſh dominions in Europe. Viewing the

the queſtion in this light, he conſidered Great Britain as being deeply intereſted, for her own ſake, and for the ſake of Europe in general, in checking the progreſs of the Ruſſian arms. But, ſays the honourable gentleman, if our interference were ever neceſſary, why was our late naval armament reduced, as the Miniſter was, long before its reduction, as completely acquainted with the only fact of conſequence, namely, the capture of Oczakow, as he is at the preſent moment? If Oczakow were aſcertained to be the only difficulty in the way of an immediate accommodation, the ſubject would be open to argument upon that ground. But without meaning to undervalue thoſe ſources of foreign intelligence, which any Member might be in poſſeſſion of, he was perſuaded that the points, upon which the negociation was proceeding, could be known to thoſe only whom His Majeſty's Miniſters might have given ſpecific information to upon the ſubject; and he was too well ſatisfied of their honour and ſenſe of duty, to believe that they had done ſo to any one of thoſe with whom they were intimately connected. To contend, therefore, that Oczakow, or any other ſpecial circumſtance, was the only impediment to an immediate peace, was to beg the queſtion completely. Yet, if Oczakow had been the only place of conſequence, the capture of which had been conſidered by this country as ſo important an acquiſition to Ruſſia, it would not by any means follow, that we ought to have armed, or to have interfered at all, the moment we became acquainted with that event. The fortune of war, while any thing like equality of force ſubſiſts between belligerent Powers, is continually changing the poſſeſſion of fortreſſes; and we could have had no reaſon for being convinced, at that period, that whatever advantages Ruſſia had gained by one ſiege, ſhe might not loſe by another. The aſpect of affairs had ſince experienced a conſiderable alteration. The ſucceſs of the Ruſſian arms had not been confined to the barren diſtrict between the Bog and the Neiſter; the diſtant banks of the Danube had been the ſcene of their victories; Iſmael had fallen before them, and the capture of that place had been attended with ſuch acts of carnage and barbarity, as could not be thought of without horror, and were a diſgrace to humanity. Could we wonder, then, that new terrors had been added to the Ruſſian name? Could we doubt that this ſeries of conqueſt had weakened, and muſt operate to diſmay, the enemy? Conſtantinople itſelf was endangered; and if this country had not interfered to prevent the utter and impending annihilation of the Turkiſh power in Europe, the time might not be very remote, when the fleets of Ruſſia would triumph in the Mediterranean, a [illegible] to the whole world, of her activity, adroitneſs, and power, and of

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our supineness, impotence, and disgrace. He admitted that war was to be deplored under any circumstances, and particularly so in the present state of this country. However anxiously we might regard the operations of the two armies, however ardently we might wish that those projects of ambition might be defeated, yet, as long as the Turks appeared able to fight their own battles, it would have been highly criminal to have involved us in fresh expence. A strict attention, however, to present economy, if carried all lengths, might lead to unavoidable expence hereafter, in a most enormous degree. He was confident that no Minister had ever been more anxious to revive the drooping credit of the nation, than his right honourable friend had clearly shewn himself to be. The reduction of that oppressive load of debt under which we had long groaned, was an object nearest his heart. Was it, then, reasonable to believe, that he would wantonly sacrifice his own happiness and fame; that, unless he strongly felt himself impelled by considerations of the most urgent duty, he would retard the progress of that arrangement, upon which he had always depended for his best and most valuable character as a Minister? The supposition would be grossly absurd; it could proceed only from the preposterous doctrine, that human nature was not true to its own propensities, and delighted in being faithless to itself.

An honourable gentleman had said, that the measures lately taken by the King's Ministers, were extremely unpopular. If he meant to use the term in its largest sense, it was an epithet at which no honest Minister would be terrified; but if he meant to confine it to those, whose information and habits enabled them to form the most correct opinions upon subjects of a political nature, it was one that, Mr. Pybus was convinced, had neither been merited, nor would be found to have been generally applied. He admitted that the present armament was not likely to meet with that universal approbation which attended the last, after a manifest and palpable insult had been offered to the national honour. The most illiterate mind could understand when this country had been insulted, and the spirit of an Englishman would be always eager to insist upon reparation. But in the present case, something more than mere uninformed intellect was necessary; and it would be setting a low value, indeed, upon experience, talents, and knowledge, the fruit of a whole life's application and labour, if no measure of State, however expedient, no negociation, however complicate, and no [illegible] however politically just, were entitled to applause, unless they fell within the comprehension of the meanest and most unenlightened individual. Upon this last

description of persons, he was afraid that the inconveniences of war were usually the most pressing; and it was not wonderful, that among those many should be found unwilling to engage in it, for the purpose of preventing a calamity, which might be distant, and might pass over their heads to affect posterity. But the Minister who should be capable of such reasoning, would be very unfit to retain his situation; and if his practice accorded to such maxims of indolence and self-consideration, he should be stripped of his authority with disgrace, and receive the punishment due to his offence. But he was happy to find that the present servants of the Crown had been actuated by no such unworthy motives, they had not scrupled to disturb the calm, which they perhaps might long have continued to enjoy, and they had done so to avert the storm, which was gathering in the North, unlikely as it was to burst over this country, till long after they should have ceased to have the care of its interests. They had, therefore, desired His Majesty to negociate a peace between Russia and the Porte, and to increase his naval establishment, in order to add weight to his mediation. The negociation was then depending; and being so, though no man could be more interested than himself, in maintaining the power and dignity of the House of Commons, he deprecated its interference; not upon the ground of personal confidence in his right honourable friend, but upon that which had been marked out by the constitution itself. That House, as the fountain of supply to the Crown, had a power, the extent of which could hardly be limited; and God forbid that it should have less. It was contemplated by the whole world with an admiration little inferior to our own. And why? Was it on account of its adventitious power? That was a poor and pitiful theme of applause. It was because it had used that power with wisdom, temper, and moderation. It had followed those sacred laws which reason and the spirit of the constitution had framed; nor had ever separated responsibility from its proper attendant, the exercise of discretion.

Ld. North Lord *North* observed, that if he could have agreed with the noble Lord (Belgrave) in reposing unlimited confidence in Ministers, he should have done it; but no confidence in any Minister would justify that House in entailing destruction on their fellow subjects. The noble Lord had observed, that his knowledge on this subject was very partial. He was in the same situation, but he perfectly comprehended the resolutions of his honourable friend, and therefore he held himself bound to vote for those resolutions. He wished to know who was to pay the price of all this [illegible]? He concluded, that by the treaty with the King of Prussia, Great Britain was not bound to give assistance to her ally, unless

unless that ally was attacked. The honourable gentleman who spoke last (Mr Pybus) thought that we were not bound by any treaty, though the whole of the argument had gone on the ground that we were bound by the faith of treaties. The treaty was a treaty of defence, and had a specific and determinate meaning; it obliged Great Britain to go to war only after our ally had been actually attacked. It might fairly be contrasted with that extraordinary treaty lately entered into in India, by which we were bound to make war on a specific Prince, till the Nizam and Mahrattas were to be satiated with plunder. That treaty went no farther, and Heaven knew that this was far enough! By the present system, we were to take up arms whenever an opportunity should offer for the oppression of the rest of Europe. He would admit, for a moment, that such a system was founded in justice and policy, and that the present war was not inconsistent with humanity; but still he was at a loss to know how it could be proved that Oczakow, in the hands of the Czarina, could hurt the interests either of Prussia or of this country. The Court of Berlin had never been very supine or inattentive to her own interests, and yet the late King of Prussia had guaranteed places of infinitely more importance to the Empress than Oczakow, which had been in her hands for three years, without making any complaint. She had greatly extended her conquests but the House had been assured, and as it had not been contradicted, they must suppose it was true, that she was ready to give up every place, except Oczakow and the country around it. Suppose that Constantinople had once more fallen back into the hands of a Christian power, and some of the finest provinces of the world were a little more civilized, was the King of Prussia most likely to suffer? But, after all, was the power and aggrandizement of their ally their only object, and were they to pay no attention to their own domestic situation? This country was flourishing, owing, in some degree, to certain regulations which had been made, and to the increase of commerce, and the invaluable consequence of security; at the same time, according to some opinions, and these not inconsiderable, our expenditure had always exceeded our income, and in no state had our revenue been such, but that it stood in need of the most rigid economy. It was not our army, and the number of ships which we possessed, that could ensure our safety. An armament must always bring on this country a very heavy expence. What was it that called them to this war? Holland was bound to them by her interest and inclination; Spain, it was evident, did not consider the concessions she made us to be of the same consequence that we did; and whoever attended to the state of France, would not

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expect much harm from her, at least while she remained in her present situation. However they might disagree about the calamities she must undergo in passing from despotism to liberty, they must all subscribe to the truth of the position, that no Government could be established in that country, which would not prove more favourable to the tranquillity of Europe than their old Government. This, therefore, was a favourable moment for reducing our establishment, and for turning our attention to the cultivation of peace. But there was an enmity between Russia and the Porte, and we were to be undone if Oczakow were added to the empire of Russia, the limits of which extended from Poland to Kamschatka. This, it was supposed, might be fatal to the commerce of Great Britain, or in some degree destructive to the liberties of the Porte. Here, then, was the impending calamity which threatened us, and which was about to add to the burdens of a people already too much taxed. Being thoroughly convinced that the war was unjust and unnecessary, and that it was in no way material to the interest of Great Britain, that Oczakow was in the possession of Russia, he should give his warmest assent to every measure which could put an end to a war, from which he firmly believed in his conscience no earthly good could possibly arise, and which must inevitably produce the worst consequences. Towards the conclusion of his speech, Lord North remarked that even if the interests of our ally were concerned, we should pay some little regard to our own, particularly as, after so many years of peace, it was still a question, which was the greatest, our expenditure or our income. He added, that we seemed too much inclined to trifle and procrastinate, and to defer the day of reckoning—

Tarda fluunt, ingrataq; tempora, quæ spem
Consiliumque morantur agendi graviter id, quod
Æque pauperibus prodest, locupletibus æque;
Æque neglectum pueris senibusque nocebit.

Lord Belgrave.

Lord *Belgrave* rose to explain, and denied the charge of his supporting universally the idea of preferring partial to general information; or unlimited confidence to necessary confidence, such as it behoved that House to give, and such as it was requisite the executive Government should receive.

Mr. Powys.

Mr. *Powys* expressed his anxious wishes that neither the zeal of the noble Lord, nor the eloquence of the honourable gentleman who had seconded his motion for the previous question, would be able to suppress the further discussion of the original question, whatsoever opinion the House might entertain of the string of resolutions which had been opened by his honourable friend. They were bound by every duty

which

which they owed to their constituents to consider this question, As to the grounds and principles on which the House had acted, they were bound to explain them to the people whose representatives they were, and from whom they had received a most important trust. Mr. Powys wished, that on the day when His Majesty's message was taken into consideration, a vote of thanks had only been agreed to, and the consideration of the justice and policy of the measure postponed to some other day. On a former day, some gentlemen had contended for a certain degree of confidence being given to those to whom the executive Government was committed, but an implicit confidence was now mentioned. If this were to take place, it would prove infinitely more destructive than the war which threatened the country, inasmuch as it would give a stab to the constitution itself! His Majesty's Ministers themselves did not claim support on that ground. Other gentlemen had said that this was merely a measure of expediency, and that the national character and honour were not pledged. One honourable gentleman had observed, that if the measure was not just and politic, the House ought not to adopt it. Mr. Powys first considered the justice of the case, and remarked, that the mediation of Great Britain was neither called for on one side nor the other, but that it had been obtruded upon the parties. This sort of mediation was therefore inconsistent with those moral duties which ought to govern the transactions of one country to another. Those principles had been exchanged for the more enlightened principle of self interest. How did Great Britain know but that she was making herself the involuntary ally of Russia? Was there any immediate danger from the present state of France? They had been told that they should risk nothing by the war. The right honourable gentleman had contended, that the least diminution of the territory of Turkey was a cause for Great Britain going to war. Granting that we were to attain our end, could it secure peace to the world, or bring about the restoration of permanent tranquillity? Would not Russia feel herself disposed, on every favourable opportunity, to retaliate upon Great Britain? He desired that the other side of the House might meet them on fair ground; he would allow them to deny the facts, but let them not shrink from discussion. The time must even come, when the right honourable gentleman would vote a supply to carry on this armament, and it was incumbent on the House to know what were the objects for which the supplies ought to be voted.

Lord *Belgrave* again rose to explain. He said, that by implicit, he did not mean a blind confidence; he meant only that Ministers ought to have a full, not a half support. Lord Belgrave.

Mr.

Mr. Ryder

Mr. *Ryder* observed that, for his own part, he applauded the silence of Ministers, notwithstanding that the honourable gentleman on the floor, and the rest of the gentlemen who spoke on the motion, had blamed that side of the House, because they shrunk from the discussion. It was easy for gentlemen on the other side to use hard words, apply their own opinion to them, and then draw inferences from that opinion; but all this was to be considered as

"*Vox, et præterea nihil.*"

He, for one, however, could not avoid thinking that His Majesty's Ministers had acted wisely in not suffering themselves to be provoked to reply, as they could not have done so without violating that duty which they owed their country, and betraying her dearest interests. For a blind confidence he never should contend; but he must say, that a confidence ought to be given to His Majesty's Ministers to a certain extent, not arising out of the obvious arguments urged by Ministers, because it was evident that they could urge no argument, without betraying their trust to the Public. What could an argument from that side of the House on such a subject consist of, but a statement of the circumstances and progress of the negociation, which would render it impossible for either party to recede or retract, if they wished to do so, and consequently throw obstacles in the way of adjustment: and could any man then say, that such a communication ought to be made? An honourable gentleman had declared, that His Majesty's Ministers, on the present occasion, acted in a manner which would not have been ventured upon even by the Ministers of France, whom the honourable gentleman described as having been more formidable a year before the revolution, than in the glorious reign of Louis XIV. This, Mr. Ryder observed, he could not [illegible] it, as Ministers had done no more than their duty compelled. It had been also argued, that calling for confidence, without stating some information to the House, was a perfect novelty. He was surprised at both these observations, as the same conduct precisely had been pursued over and over again in our own country. In proof of this, gentlemen would please to recollect the instance in 1716, when armaments were sent into the Baltic, and yet Ministers had said no more to Parliament then than had been said now. In like manner did they remember, that in the year 17[illegible]6, when Russia had [illegible] the overthrow of the King of Sweden, Ministers preserved a like silence. The same thing had happened [illegible] 173[illegible], when Poland was the subject. The same confidence had then been asked and granted. After reasoning

ing upon these precedents, Mr. Ryder said, that as far as confidence went respecting the present object, that House had already voted their confidence when they gave the vote of supply, and addressed His Majesty, assuring him of their support.

Mr. J. T. Stanley.

Mr *John Thomas Stanley* said, he had earnestly wished for an opportunity of speaking, ever since the gentlemen opposite to him, who had spoken first and second in the debate, had sat down. A kind of challenge had been thrown out to this side of the House by them, to produce arguments in opposition to theirs: this he thought could be done, but first he would say, that he opposed the motion originally made, and would vote for the previous question; not because he denied the truth of any of the propositions, some of which, on the contrary, were incontrovertible, but because this was not the time for them to be brought forward; and he would as readily vote against a resolution brought forward at a wrong season, as against one that he disapproved of in itself.

He would now say in opposition to what had been advanced that his vote in favour of the address, a preceding evening, and the support he intended to give to the measures of the Administration on this occasion, were neither of them founded on grounds of implicit confidence. He disliked the word, and so much did he dislike the idea of giving implicit confidence to any man in a House of Commons, that had no arguments suggested themselves to his mind, in addition to the confidence which he owned might assist in determining his vote, he would have waived it all, and have given a decided vote against measures that tended to involve the country in a war.

He had not the privilege with many others of calling the right honourable gentleman on the bench below him, a right honourable friend; he was not in such habits of intimacy with any gentleman filling the high stations of office, as to be by them biassed in his opinion, or governed by partiality. The confidence he gave, was not the confidence to which private friendship had a claim; it was founded on what he knew of the Minister, from the public measures of the Minister; and as these were approved of, surely every individual had a right, without betraying the trust reposed in him by the country, of giving a degree of confidence and credit to the Minister who asked for it, and who declared, in the most manly manner, he held himself responsible for the use he might make of it.

He owned it had required all the strength of his mind to resist the specious eloquence and plausible arguments, which

had

which had fallen with such force of language from a right honourable gentleman, during the last debate on this subject; he had been shaken by it, but fortunately not overcome; for the more he had thought on the subject, the more convinced he was, that every argument was not on the other side; that many strong ones might be adduced on this side, not only in support of an armament being necessary to enforce the present pending negociation, but even in support of a war, should a war be found ultimately necessary; and he warned the House against that eloquence he felt so strongly the effect of, and which the Minister could not now counteract, from the necessity he was under of preserving silence, and which he told the House he could not depart from, without departing from what he deemed his duty. Did His Majesty's ministers ask for a power to declare war? No. An armament fitted out to give weight to a negociation, had artfully been represented as a direct attack on Russia, and equivalent to a declaration of war. Mr Stanley could not consider the one as the same with the other, and by no means thought the obligation the Minister was under of giving information to the House, the same in one instance as in the other. It was very probable there might yet be no war: negociation might succeed, and the effect of the armament we had authorised the Minister to make, might yet be found in a short time most advantageous, and the very cause of that established, permanent peace, so much expatiated on by gentlemen opposite, and certainly so desirable in every respect for this country.

But should a war ensue in consequence of these armaments; should the obstinacy of the Empress force the Minister to an opinion that a war was necessary, are we so much to dread it? Are there no reasons why Russia should not remain unmolested, and mistress of her own will, in what concerns materially the interests of the great republic of Europe? Are there no reasons why we should not force him to listen to us, and to insist on his paying some attention to our negociations? Yes there are, and powerful reasons; powerful enough to make us suspend all censure of a Minister, who may, by his measures, involve us in a war, and yet cannot tell all the reasons for his conduct, however serious the consequences may be of every step he takes. He has told us it is necessary to shew a resolution of preserving the peace of Europe; that without a vigorous step taken to enforce negociation, it will be rejected. He asks for the exercise, in this delicate posture of affairs, of a discretionary power which the constitution allows to the executive Government; and those who think some discretionary power should be given to the

executive

executive Government, under ſuch circumſtances, are not acting unconſtitutionally or wrong, in my opinion, in ſo doing. Let gentlemen but conſider the character of the Sovereign, who refuſes to accept our unenforced proffers of mediation, from the day ſhe was ſeated on the throne of the Ruſſias; did ſhe not diſcover an inſatiable thirſt of power, and an unlimited deſire of extending her territories, immenſe as they were, to ſtill more diſtant boundaries? Was it not evident her ambition aimed at no leſs than the title of Empreſs of the Eaſt, and that ſhe wiſhed to be ſaluted as ſuch on the ancient throne of the Eaſtern Emperors, while her ambition, unſatisfied with this object, ſtill would lead her to be the directreſs of every cabinet and every council in the weſtern diviſion of the ancient world? To ſhew why we ſhould entertain ſuch an opinion of her ambitious views, let us only trace back her conduct from the preſent period to the commencement of her reign: let us recollect her attempts to unite the powers of the Baltic in a league againſt us; let us recollect her more late attempts to govern the two Courts of Sweden and of Denmark; let us recollect her intrigues in the kingdom of Poland; her ſucceſs in placing a Monarch on the throne of that kingdom, and her invaſions of the late King of Pruſſia's dominions. We ſhall have next to obſerve her conduct in obtaining poſſeſſion of the Crimea, and previous to that, her ſtrong deſire ſhewn of acquiring a ſhare in the trade of the Mediterranean. The Crimea, wreſted from the hands of the Turks, let us ſee what was her ſubſequent conduct with regard to it. The Kham, who by treaty was to have been left an independent Sovereign of the country, is invited to Ruſſia, accepts eſtates in the kingdom, and commiſſions in the army, of the Empreſs. The Crimea, in the mean time, is invaded by her troops, on the pretence of quelling rebellions; her authority is eſtabliſhed; ſhe garriſons every town, and, at an immenſe expence, travels from Peterſburgh to the borders of the Black Sea; builds a town, and changes the name of the country, ſhe has ſo completely annexed to her dominions, to the pompous name of Taurida.

In the new capital of this her new kingdom, the future center of ſo much power and grandeur, ſhe receives as viſitors the Sovereign of Auſtria and of Poland; and there this new triumvirate lay the plans of conqueſts and aggrandiſement, which we are to ſee accompliſhed, not only without interference, but with complacency. Theſe ſteps alone were ſufficient to juſtify any alarm the Turks might have conceived; but how much more cauſe of alarm had they, when an unheard-of, an undreamt-of claim, is made on them of the province of Baſarabia, and the towns of Oczakow and Akerman,

man, on no other pretence, than that formerly this province had been governed by the Khans of her new Taurida. This insulting, arrogant, claim was followed by a refusal to give up a fugitive horpodar, accused by the Turks of treason against the State. If, in consequence of such violations of all faith; if, in consequence of conduct so alarming, so insulting, so hostile every way to Turkey, the Turks resolve to keep peace no longer, can we blame them, can we say they are the aggressors? No, certainly not; the Empress alone can be considered as such; and the Porte, in declaring war, acted only from motives of self defence, and Russia was virtually the aggressor.

In prosecuting the war, her arms have been successful; the force of almost the whole Russian empire, and of the Emperor, is brought against the Turks. Oczakow is taken; Bender is taken; Ishmail is taken; the Emperor is as successful on his side; and Constantinople, almost alone of his former dominions in Europe, remains in the hands of the Grand Seignior.

Has Europe to apprehend no danger from such aggressions? I rather think it has; and if the system of preserving a balance of power on the Continent, is consistent with our true interests, now is the proper time for interference. I might say, that it were safest and wisest for this country, in its present exhausted state of finance, to abandon foreign alliances, and foreign interference altogether; but this would be merely a matter of opinion; and at present, gentlemen on both sides seem agreed that the system is necessary; they only differ about the means; and I too must agree, that at present the system cannot be dropt at once: by degrees only can those systems be relinquished, which have been followed for years and reigns, and on the propriety or impropriety of which, men's opinions are much divided.

The Empress refuses to listen to all negociations, unless permitted to preserve Oczakow; and now the question rests on the importance of this place. We have been told by gentlemen on the opposite side, that Oczakow is a place of little consequence; in the midst of a desert country; and impeding in no way the navigation of any ship from Cherson, a place not calculated in the least to be a check to the attempts of any nation possessing the Crimea and the Cuban, to command the commerce and navigation of the Black Sea.

To this description of Oczakow, I would answer, that its importance is such, that the fate of Constantinople itself absolutely depends on it; that the safety of the southern provinces of Poland depends on it; that the projects of the Empress, with regard to the future prosperity and consequence of her new empire of Taurida, depend on it. Oczakow is the

the only fortress of consequence, and likely to stop an army between the frontiers of the Empress and Constantinople: this she insists on keeping. She generously offers to give up provinces unprotected and defenceless, and which she may take, whenever the nations of Europe are so embroiled, as not to have it in their power to prevent her. Ishmail is dismantled, and could not, in ten years time, be made a place of sufficient defence. The passages of Mount Hemus, it is true, may be easily guarded; and the armies of the Empress would find it no easy matter to proceed by land to Constantinople: but where no fortress overlooks her new acquisitions on the borders of the Black Sea, where the Turks are bereft of every port to which they may retire, and from whence her motions may be watched, she may convey her forces by sea to any station as near Constantinople as she pleases; forts are surprised, batteries are silenced, and the Russian standard may be flying on the towers of the Grand Seignior's palace, before an European Court can have been informed that the Empress meditated an attack.

But she may disdain to take the capital of the Ottoman empire for a while; she may consider it as too easy a prey; and in the mean time, while we are looking with indifference on that part of the world, according to some so unconnected with our interests, the prosperity of her new country is rising fast towards its meridian.

Possessor of provinces the richest in the world, such as Astrachan, Georgia, the Crimea, and parts of the Cuban, in which are to be procured every article requisite for the construction and fitting out of fleets; possessor of the navigation of rivers, down which, stores and productions of every kind may be brought, either from the interior provinces of her own dominions, or the provinces of Poland and of Moldavia and Wallachia, she will be acquiring, every year, a strength which, in a few years, will be increased to a degree that will give those countries alone, independent of her northern provinces, a power that will alarm Europe; be capable, when it pleases, of overrunning every province of the Turks; will make even Poland fearful for the fate of her southern provinces, and prove most fatal to the safety and consequence of so near a neighbour to them as Prussia. An extensive commerce will be its own. Whenever Turkey is overpowered, and the time must come, if we watch not this growing country, when Turkey will be overpowered, at once the riches of all these provinces surrounding the Black Sea, will be poured into the Mediterranean; navies sufficiently powerful to protect this commerce, and even to aim at conquests, will break into the Mediterranean at the same time. Are we to consider, with no jealousy or fears for our com-

 mercial

mercial interefts, fuch probable confequences refulting from the increafing power of the Emprefs, and the total ftate of inability to counteract all thefe defigns, in which the Turks will find themfelves, if we confent to what Ruffia requires? and have the Turks no ftrong fortrefs near Cherfon and the Crimea, on the Ruffian fide of Conftantinople?

But if Pruffia is fearful, are we not to pay fome regard to her interefts, when we find them combined with our own, though no treaty obliges us to ftep forward in her defence. It has been faid, that the treaty we have with Pruffia has been but of little advantage to us: but is it fair to fay fo? Was it not to Pruffia we were indebted for the re-eftablifhment of our alliance with Holland? Is it not to Pruffia that we owe at this moment the exiftence of Sweden, as an independent kingdom? Did not Pruffia prevent her total overthrow, by threatening to invade the rich province of Holftein, unlefs the Danes withdrew the forces they had already fent into Sweden? And may we not believe, that our alliance with Pruffia, and, by Pruffia's means, with Holland, contributed fome little towards bringing the Spaniards, in our late negociations with them, to the terms which we infifted they were to comply with?

Pruffia has been of fervice to us; and it would be ungrateful in us not to allow this: but if gratitude between nations is never to be admitted as an argument, let us confider how our commercial interefts are likely to be affected by a war, fhould a war enfue.

Our trade to Turkey has been much undervalued. I pretend not to fay, with any degree of exactitude, what our exports to the Levant have amounted to, during thefe laft two years; but from good authority I have heard, that in the laft year they have not been much fhort of 800,000l.— This, however, is certain, the trade is increafing rapidly, and has been increafing, ever fince the French intereft at Conftantinople has been on the decline. The Turks are every day more and more imitating our manners, and accuftoming themfelves to require our manufactures and the articles we export to their country; they are emerging from their inactivity and indolence, and improvements of various kinds are introduced among them. Printing preffes have been very lately eftablifhed in their capital; and we may reafonably hope, that foon the demand for our articles of exportation in Turkey will be very great, and that we may count the Levant among the beft markets our manufacturers have.

But our Ruffian trade, many cry out, will fuffer; that is a trade we cannot lofe; we want it for the fupport of our fhipping. In anfwer to this, let it be confidered, that if we

suffer some inconveniences from a suspension or interruption of this trade, the Power with whom we are at variance will suffer infinitely more. The immense sums of ready money we send to Russia for the purchase of the raw materials we import from that country, for the use of our dock yards, are what sustain the credit of the paper money now circulating in Russia, at a discount of 50 per cent. The balance of trade in favour of Russia, to the amount of 1,500,000l., is paid in the most advantageous manner to Russia, in the most disadvantageous manner to ourselves. Our merchants pay a year beforehand for the goods they purchase; for those they sell, they allow six months credit: besides those, they labour under other disadvantages, from which the merchants of every other country are exempted. They must pay the duties and customs at Riga and Petersburgh, one half in the coin of the country, the other in dollars, and these dollars are only taken at such a price, fifty per cent. lower than they can procure them for; which, of course, is an increased duty of 25l. per cent. which our merchants have to pay more than the merchants of every other country.

Surely, so unfavourable and mortifying an exception, should not incline us to think the Empress friendly to this country; as one who loves the English, who is grateful for all the advantages she reaps from our trade, and one whom, on these accounts, we should be particularly fearful and cautious of offending. But wherefore is it, may be asked, that she has tried so to mortify our pride, and forced our merchants to submit to such indignities, for such exceptions in her ports, to our disadvantage, are indignities? Because she thinks she has us in her power; and that under the necessity of trading to her country for such and such articles we can procure no where else, we must submit to those conditions she chuses to impose. But let her beware! fortunately the Baltic is not all her own; fortunately, there are other ports in that sea, besides her's, to which our merchantmen can have access; I mean those of Memel, of Dantzick, of Elbing. To those towns, the articles we most stand in need of can be brought, not so conveniently, but not with much more inconvenience than to her port of Riga. Riga hemp, the most essential article to us that we import from the Baltic, grows chiefly in the northern provinces of Poland; from thence it is sent down the rivers to the Russian ports; but it might be sent down other rivers, which rise in the same provinces, to other ports: it would be difficult to procure the same quantity for some time by this new channel; but in time this would be the case, and the quality of the hemp so procured, would be the same we now buy from Russia.

When

When trade once changes its direction, it is not easily brought back to its ancient course. The Empress is not a woman whose passions blind her to her own interests, and those considerations must therefore have their weight in her mind.

Before I conclude, said Mr. Stanley, I must now add, that though for the reasons I have given, I do not think a war with Russia, should she refuse to listen to our negociations, would be inexpedient or unjustifiable, on the principles of policy or of justice. Yet, considering how very exhausted this country is, I might hesitate more than I do in giving my vote for measures that may lead to war; but I repeat that I let my opinion be influenced, in addition to these reasons, by the confidence I have in the Minister.

Jealousy, it has been well said, is a an old parliamentary word we should not lose sight of; I do not, but reserve a place for it in my bosom against future times, when other Ministers may govern; but to a Minister who, for seven years, has served this country as our Minister has done, I give confidence; to a man who has recovered England from its lowest ebb of misfortune; who has restored order to our finances, which were believed almost irretrievable; who has raised us to our former place among nations, from a state of general despondency; to such a man I must give some confidence, and of his principles I cannot bring myself to harbour all at once mistrust and jealousy.

Mr. Whitbread. Mr. *Whitbread* said, it had not originally been his intention to have offered himself to the Speaker's notice that night, but that of late he had been particularly anxious to catch his eye, because he wished that a line of discrimination should be drawn between those gentlemen who maintained, as some had done in the course of the debate, that the doctrine of confidence was that of the constitution, and those who thought it both strange and unconstitutional. He, for his part, did think it both strange and unconstitutional; it was a doctrine which he would deprecate with his earliest and latest breath in that House; a monster, with which he would grapple wherever it appeared, and use the utmost of his efforts to overthrow and to crush.

In every debate on every subject, since he had had the honour of sitting in Parliament, this doctrine of confidence had met him, and wherever it had met him, he had been alarmed; it had served in place of argument for every measure that had been proposed on the other side of the House; it had served in place of an answer to every argument which had been adduced for any measure that had been brought forward on that side of the House.

When

When the part of the community by whom he was sent to Parliament, elected him their representative, he conceived that they had placed a confidence in him, on the express condition that he should repay it, not by confidence in others, which he would never bestow, unless extorted by the urgent necessity of circumstances, but by the liveliest jealousy and the most active attention. The great precept which constituents gave to their representatives, was to take care "*Ne quid damni capiat Respublica*." They were delegated to watch, to check, and to avert every dangerous innovation; to propose, to adopt, and to cherish every well weighed improvement, and bound, by every tie of nature, honour, and religion, to deliver to their posterity the constitution unimpaired, and without the smallest derogation. How could that be done, if gentlemen delivered up their consciences, bound hand and foot, to the Minister? The noble Lord (Belgrave) who moved the previous question, and the right honourable gentleman (Mr. Ryder) who had spoken since him, had not used any arguments to the point; and indeed the right honourable gentleman had said he would not discuss the resolutions then before the House, and in that he had strictly kept his word; but as he knew that it was not from want of ability or eloquence that this happened, he was warranted in concluding that the ground on the side which they endeavoured to maintain, was not tenable. The Chancellor of the Exchequer had enveloped every thing in mystery and darkness: to borrow a quotation from the classical learning of the noble Lord, and to apply to the Chancellor of the Exchequer a character to which he had a peculiar and distinct title, for he was the soul, the vital principle, the providence of the other side of the House, into whose hand gentlemen delivered up themselves, their consciences, and their votes, whose acts they bowed to and commended, and whose dark, inexplicable ways they did not pretend to scrutinize or arraign, he would say,

> "*Nube polum pater occupavit*,"

and to carry on the idea which the noble Lord had given him, he would say, in the words of another poet,

> "*Pater media Nimborum in nocte coruscâ,*
> "*Fulmina molitur dextrâ.*"

We see the baneful effects of the right honourable gentleman's policy; but the causes are far removed from our view, and wrought in obscurity. He was determined not to deliver his conscience, and powers of thinking, into the possession of any Minister whatever; he would never be accessary to reducing the House of Commons to the degraded state in

which it once was, when they were told, "Ye are met "here to grant subsidies, but not to meddle with matters of "State; those are questions far above your reach, and ap- "propriated to the Prince alone, or to those Ministers with "whom he is pleased to entrust them;" and from this abject state they had risen, not by confidence in any Minister, or series of Ministers, but by laborious exertions, by jealous attention to their own rights, and by active investigation of the conduct of the servants of the Crown. Having, feebly perhaps, established, what, however, he strongly felt, that it was his right and duty to investigate the conduct of Ministers, he should proceed to state the reasons why he thought the resolutions proposed by his honourable friend ought to be adopted by the House.

A right honourable gentleman (Mr. Ryder) had said that examples of applications to Parliament, under circumstances similar to the present, were numerous, and had mentioned a variety of precedents, particularly one of the year 1720, when Sir J. Norris was sent into the Baltic, (of which he would take some notice hereafter) but he contended that no Minister, either in the instances quoted by the right honourable gentleman, or in any other instance, ever came to Parliament for supplies, in a manner so unconstitutional as the Chancellor of the Exchequer did.

The causes of the armament had not been avowed or explained, and great eulogiums had been bestowed upon the Chancellor of the Exchequer for his secresy; it was allowed he gave no information, but it was at the same time insisted upon that none was necessary. Gentlemen wished to know nothing. In private life, a proper mixture of openness and secresy begot friendship between man and man; but it would appear strange, were a person to say, "The more mysterious "and concealed your conduct is, the more satisfied shall I "be that it is right; the less you tell me of what you are "doing, the more shall I believe you are doing well; and "I then shall be most contented with you, and have the "highest opinion of your integrity, when you tell me no- "thing at all." But this was precisely the language held by gentlemen respecting the Minister. Every thing here was to be guessed at; it was to be conjectured why the tranquillity of the nation was to be disturbed; and it must be remembered that those "shoes were not yet old" in which gentlemen had come down to vote supplies for an armament which a right honourable gentleman (Mr. Dundas) to gild a little the pill of taxation, and make it go down with some degree of facility, had said, was to procure permanent tranquillity to this country; it had struck such terror, and had such an effect in Europe, that no power would venture to inter-

interrupt our repose. What was the effect the right honourable gentleman boasted? what was the security we had bought? Our fleet is scarce dismantled, our seamen are scarcely turned adrift, before, with arrogance and insolence, we offer our mediation to two contending Powers. That mediation was rejected with contempt, as it well deserved, and we are obliged to arm again: and for what had we interfered? To prevent, as we are to conjecture Russia from becoming so strong, as to endanger the balance of power in Europe! It was a speculation not unworthy any politician, to consider whether, in effect, Russia, by her conquests to the South, was increasing in strength and power: for his part, he considered every accession of territory to her in that quarter, as an accession of weakness; that her empire, by extension, became more unwieldy, and less to be dreaded; and if that were really the case, the true policy to be pursued, the true method to prevent her becoming formidable to the tranquillity of Europe, would be to suffer her to pursue her schemes to the South; to suffer her to fight, and weaken herself. In his opinion, Russia could only be formidable, when her attention was entirely applied to her northern possessions, and when the momentum of her vast empire was given to Petersburg; and upon this subject he desired to remark the contrariety of opinion adopted by the Minister. It had been said by a right honourable friend of his on a former occasion, and had not at any time been denied by Administration, wherefore he should take it for granted to be true, that Great Britain, in concert with the King of Prussia, had stirred up the Porte to make war upon the Empress: the apprehensions then entertained were, that her attention was too much alive in the North, and this scheme was to divert it towards the South: now, circumstances were entirely reversed, and all our fears were of her aggrandisement in the South. But let the idea be carried to its furthest extent, and suppose that the Empress could realize all her imputed views of ambition, and get possession of Constantinople, and expel the Turks from all their European provinces! would any unprejudiced, impartial man contend, that by such an event mankind would not be largely benefited? Would any man contend, that by the expulsion of a race of beings, whose wretched, abominable tyranny proscribed the arts and literature, and every thing that was good and great and amiable, would not conduce to the happiness and prosperity of the world? He was convinced it would: those countries endowed by nature with every advantage, and suffering by oppression the most abject misery, would revive, and be productive of sources of commerce beneficial to every nation. This was an event, with which the paltry consideration of the nice adjustment of the

balance of Europe was not to be put in competition, although he was a friend to the preservation of that balance, upon broad and liberal principles. Supposing, he said, that this event had actually taken place, could any body imagine that so vast an empire, extending from Petersburgh to Kamschatka and Constantinople, could subsist under one Government? Did not experience tell us that empires, when they become too vast, always broke in twain? If they did subsist under one Government, would not the internal regulations of such an extent of territory sufficiently engage the attention of its Sovereign, to prevent her molesting or interfering with foreign Powers? If they divided, would not a new creation, as it were, arise, fruitful in blessings to itself and all the world? He abhorred the wretched and narrow policy which could entertain a wish that the most luxuriant part of the earth should remain desolate and miserable, that its system might be maintained.

But was Oczakow, and the desert around it, seriously considered as the point on which the balance of Europe hinged? Was it contended, in earnest, that by possession of that fortress, the Empress was more likely to possess herself of Constantinople than without it? His honourable friend had observed, that in the late war, the Russian army had got as far as Mount Hæmus, the pass of which the Grand Vizier had only 10,000 men to defend. Her fleet was also as far as Varna, more than half way from Oczakow to Constantinople, and yet peace was made, without the acquisition of that capital by Russia.

But if he might venture to hazard a conjecture, it would be, that Oczakow was held out to the world as the pretence for this armament, when in fact its object was the aggrandisement of the King of Prussia. He had heard it suggested, and he believed it to come from pretty good authority, that the object of that Monarch was the acquisition of Thorn and Dantzick; that we favoured his views, notwithstanding we were guarantees for the security of those towns; and that because the Empress resisted this idea, she was to be thwarted and punished, by an endeavour to wrest from her the only place she wished to retain (and that for her security alone) of all her extensive conquests. In short, we were to sacrifice the Empress and ourselves to the ambition of the King of Prussia. What were we to gain by this transfer of our friendship? Would the alliance of Prussia compensate for the loss of that of Russia? The former could only supply us in case of necessity with land forces, and those only in parts of the world where we were least likely to want them; for it was stipulated that they should not be employed out of Europe. Russia, on the other hand, might assist us in time of

war,

war, in a very essential manner, by adding to our naval strength; but in case of a rupture with Russia, our trade in the Baltic would be liable to the greatest annoyance from that Power; the disadvantages which would arise to this country, if the war was prosecuted, were numerous and manifest; the advantages which the warmest advocates of the Minister would contend for, must be allowed to be distant and precarious.

With regard to the instance of Sir J. Norris being sent into the Baltic, alluded to by a right honourable gentleman (Mr. Ryder) he would just take notice of the issue of that armed negociation. Sir J. Norris was sent to the Baltic with a fleet for the express purpose of accommodating a peace between Sweden and Russia. The Czar (Peter the Great) rejected the mediation with scorn. During the time the English fleet remained in those seas, an engagement took place between the Swedes and Russians, which our Admiral was not able to prevent, nor to assist our allies the Swedes, and they were worsted; and after all the expence and trouble of the armament, our ships returned to their ports *re infectâ*. The answer also which was sent by the Czar's Resident at Copenhagen to the British Admiral, was worthy, at this particular juncture, to be mentioned.

Sir J. Norris informed him, that he was come to negociate a peace between Sweden and the Czar his master; to which the Resident replied, "that if he was really come for the "purposes of negociation, he thought he might have taken "a more compendious method, but that he had no instructions to treat with him."

In dispatching your fleet to the Baltic, could you say, as upon former occasions, to your sailors, *Ite alacres et spe pleni*? Could you tell them, they were going to avenge the injured honour of their country, to punish a haughty and irreconcileable enemy? Or could you hold out to them, as a reward for their valour, the rich captures they may make? You must be silent on all these topics of encouragement; and although he revered as much as any man the enthusiastic valour of the British fleet, which had atchieved, from year to year, and from age to age, the wonders which had raised this country to the highest pitch of glory; and although he was confident they would be victorious over all dangers, however great, and disgusts, however poignant, yet your silence would too plainly tell them they were going, without prospect of reward for their toils, against their ancient and natural friends, and to destroy the very sources from which they used to draw their subsistence.

From all these considerations, he contended that the reso-

lutions were highly proper, and that it was the duty of the House to adopt them.

Mr. Whitbread was followed by

Sir Wm. Young.

Sir *William Young*, who said, that one principal reason of his rising was, to reprobate a doctrine of most unconstitutional tendency, as well as most pernicious, in respect to the immediate question before the House. An honourable gentleman (Mr. Powys) had stated that we were free in this moment of debate to retrace our former procedure, regain the very premises we set out from, and act in our parliamentary capacity, as if we had made no engagements, had returned no answer to the message from the Crown, and had no ways sanctioned its contents. Such declaration was no further objectionable, than as it sought to involve the House in actual inconsistency of conduct, under the plea of freedom of debate, and parliamentary practice, in considering the same matter under various shapes and in various stages of business. But when this claim to return back, and put the House in a situation of free agency, was introduced, for the sole and express purpose of declaring what should be the precise line of conduct adopted by the executive Government in its negociations with Russia, he could not sufficiently express his astonishment at such a proposition coming from a gentleman who had even resisted the spirit of innovation, and given a faithful support to the constitution of his country, under every circumstance of wild inroad on its substance or forms, which had been so repeatedly attempted, under pretences of reform or amendment. Could a more unconstitutional or mischievous proposal be advanced, than that a House of Commons should thus resolve itself into a kind of diplomatic Committee, trench on the most acknowledged prerogative of the Crown? Could a proposal be suggested more pernicious in regard to the present measure? Such interference and dictum of the House must preclude all means by which the country might avail itself of mutual concession, of "*a medius terminus*," the result, to which contracting parties generally looked. It would be declaring, that Russia should have such terms as the rate might express, without contra stipulation, unless, indeed, the House meant fairly to correspond, treat, argue, and become an agent for foreign affairs. But then it is said, that we trust the country to a situation of danger, and eventually of war, blindly, and in mere confidence of Ministers. In adverting to that word *confidence*, so much talked of, and so little examined, he must beg to discard all farther dispute about the word, under its plain analysis. By confidence, as applied to men, is understood an opinion that he who hath done well, is most likely to do well again, and under this opinion he is trusted; this

definition applies to confidence between man and man, and to Ministers as other men. In cases like the present, another plea operated of a yet stronger nature. The executive Government had a claim not merely for a confidence, which any Member of this House, or this House itself, had to bestow, but for a confidence which the constitution of the country had already bestowed and given, when it vested in the Crown, and in its Ministers, under safeguard of their responsibility, the powers to make peace or war, and *a fortiori* to negociate terms tending to those conclusions. Sir William said, that he, however, had opinions on the present question which would direct his vote to the support of Ministers in the present armed negociation, independent of any credit and trust he reposed in them on general accounts.—They, whilst engaged in treaty, could not with prudence debate the actual situation of affairs in Europe. But he was not so precluded; he had no connection or habits of personal intimacy, and much less of official intelligence. He committed no man, or set of men; he had merely maps, and books, and that common knowledge to found his argument on, which every man in the House possessed equally with himself. He would freely, therefore, state his reasons, why Great Britain should regard with a jealous eye the aggrandizement of Russia: he would state, too, other obvious reasons for our present interference. Gentlemen had talked of a balance of power: a balance of power, with regard to the maritime potentates, is more especially the concern of Great Britain; and what, in this respect, is the situation of Russia? Russia is tending, step by step, under the name of alliances, to make mere provinces of all the kingdoms of the North. Confederacy of the weaker with the stronger is subjection, if none else interfere. This observation applies to Sweden already, perhaps to Denmark, and to Poland too, if we do not prevent it. So much for the Baltic. Look where Russia extends her arm on the other frontier of Europe. It has been the fashion for gentlemen to talk of Oczakow, as a mere fortress of defence to Russia, or as a place of no essential danger to the Turks whilst in her hands. Those have heard little, and read less, who use such language. Oczakow is the key of Constantinople; the Dnieper, which, under the walls of that fortress, disemboguing into the Black Sea, is connected by canals, or other water carriage, with the very capital; the arsenals of Petersburgh can be emptied into Oczakow, and stores of a naval or warlike kind float to the very water of the Leman, under its walls. The natural barriers and fortresses of Hæmus and Rhadope covering Adrianople to the land, Oczakow alone can provide, and protect what is provided, to send a force against Constantinople by sea. If

Russia

Ruſſia gets Conſtantinople, ſhe gets the Mediterranean; her empire being the emporium of timber, hemp, and iron, none will then be enabled to contend with her in that quarter either in commerce or in arms. The iron of the North will command the gold of the South. Are we prepared for an aggrandiſement in the Baltic, and among the Northern Powers, which ſhall command the whole market of naval ſtores? If not, Ruſſia muſt not be permitted, under the name of an ally, to have Poland for a dependency. Are we prepared for an aggrandiſement of Ruſſia, which, from the Black Sea, may command the Dardanelles, and through the Dardanelles the Mediterranean? If not, Ruſſia muſt not have Oczakow. If, in addition to Oczakow, Ruſſia is farther permitted to poſſeſs the fortreſs of Akerman, ſhe commands the mouths of the Danube, and the eaſtern frontiers of Germany are wantonly expoſed to her. If Ruſſia connects with Auſtria, as ſhe has heretofore done, ſo circumſtanced, Pruſſia is as much endangered on the ſide of Sileſia, as on other and preſent accounts, on its Poliſh frontier.

Sir William ſaid he would take the queſtion on another ground, and which gentlemen had much inſiſted on, on the other ſide of the Houſe. He would ſuppoſe it to be not a queſtion of Britiſh policy, but a queſtion of good faith to Pruſſia, and in a Pruſſian quarrel. Every one knew the occaſion and immediate effect of our Pruſſian alliance in 1787; through ſuch means we wrenched Holland from the intrigues and power of France; we gained an ally, who could moſt hurt us as a maritime power, from our own channel to the Eaſt Indies, and who could moſt befriend us in every ſituation. Holland, giving us the benefit of its maritime frontiers, that is, of its arſenals and navy, required protection on its back or inland frontier; and Pruſſia could ſupply that protection. Pruſſia had actually given that protection. He did not ſay that it was within the *caſus fœderis*, but it ſurely was within the ſpirit and *bona fides* of the treaty, to requite Pruſſia, endangered by acceſſions to Ruſſia on the Poliſh frontier, or elſewhere, by timely interference of kind offices; to grant her aſſiſtance in reſiſting ſuch encroachments, on juſt reaſons of apprehenſion to her, was a mere retribution for ſervice, a national juſtice. It was a mere price of our union with Holland; and a debt that cannot be refuſed without national infamy. Sir William ſaid, that he could not ſit down without once again adverting to the queſtion, on grounds of Britiſh policy, and calling on a Houſe of Engliſhmen to watch more ſ[illegible] the intereſts of commerce and marine power; for it was on thoſe premiſes that reſted their public wealth and independence; and an aggrandiſement of one who controlled the very ſources of naval force, and

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mercantile equipments, was, of all others, to be checked and prevented by every means which timely ſpirit and policy might ſuggeſt. On this, and many other grounds, he ſhould vote for the previous queſtion, and not permit the meaſures taken by the Crown of Great Britain, in counteracting the ambition of Ruſſia, to be interrupted. Sir William cloſed his ſpeech, with ſome farther attempts to define what was the nature of confidence, as repoſed in the Crown by the Britiſh conſtitution, in regard to negociation with foreign powers.

Mr. *Sheridan* remarked that, although he had ſeveral times preſented himſelf in vain to the Speaker's eye, he never felt it more unneceſſary to treſpaſs on the time of the Houſe than at that time, ſince, if ever there was a debate, in which the motions had been ſupported by the ableſt arguments that ever were urged on one ſide, and only flimſy deluſion oppoſed to them on the other, the cauſe diſcuſſed that day had been that cauſe. Not even any argument had been offered by the honourable Baronet who ſpoke laſt, and who had traverſed over all Europe, traced the hiſtory of the navigation and commerce of Ruſſia, from the earlieſt times; deſcribed her back frontiers, and all parts of her dominions, and expatiated with as much familiarity concerning the Dnieper and the Danube, as if he had been talking of the Worceſterſhire canal, and pictured the Empreſs as a female Coloſſus, ſtanding with one foot on the banks of the Black Sea, and the other on the coaſt of the Baltic, and yet, in ſpite of this fund of knowledge and ingenuity, all which the honourable Baronet ſaid, did not amount to an argument againſt the motion, which, in his mind, was entitled to the ſmalleſt weight. From the right honourable gentleman oppoſite to him, (Mr. Dundas) who was ſomething like a Miniſter, though not actually one, he expected to have heard important reaſoning; but he preſumed he had continued dumb, becauſe if he had riſen to ſpeak, it might have been ſuſpected that he knew ſomething, and thus have broken in upon that impenetrable myſtery, and that magnificent ſilence which was to characterize the day, as far as regarded the conduct of thoſe who alone could have afforded the Houſe the information which they had a right to expect. Thoſe who had riſen to ſpeak, like the honourable Baronet who had juſt ſat down, had profeſſed that they knew nothing of the cauſe of the armament, or had indulged in ſtating what they gueſſed to be that cauſe; thus the ſum and ſubſtance of all the arguments againſt the motion had been profeſſed ignorance on the one hand, or avowed conjecture on the other. If, then, they were to gueſs only from conjecture, and to argue from maxims drawn from maps and books, as the laſt honourable gentleman on the other ſide had done, were they poſſibly to come at any ſatisfactory know-

knowledge on the subject? Are maxims drawn from maps and books the cause for which an English House of Commons are to plunge their country into a war, and waste the blood and treasure of their constituents! The reasons stated by different gentlemen, among their guesses of the causes of the war, were not more different than extraordinary. One right honourable gentleman had assigned something that looked like an argument, which might account for the right honourable Chancellor of the Exchequer's silence. He had stated, that if his right honourable friend said any thing relative to the negociation, it might put it out of the power of the negociating parties to recede or retract what they had advanced, and thus render a war unavoidable. Did the right honourable gentleman then think it necessary to recede and retract any of the blustering menaces which he had made to Russia? If he did, it ought to be avowed, that an opportunity might be given for such retractation. But that right honourable gentleman, who had talked of the Minister's receding, had also alluded to one matter as the cause of the war, from the bare mention of which he shrunk with horror; he had hinted at the armed neutrality, and at the possibility of this being a fit opportunity for retaliating and revenging that measure. Were we then to go to war for so base a purpose, as to give vent to the lodged hate and burning resentment which had been avowed to have rankled in our bosoms for so many years? He hoped not. The same right honourable gentleman had talked of the partition of Poland. Were they to resent that event at this crisis? If so, it ought to be avowed. But he would not believe that any of these could be the cause of the war. He would rather turn to the noble Lord, who had, in his opinion, acted in a more open and manly way, and rested the argument on its true ground.— The noble Lord had expressly avowed that he gave his consent on the ground of implicit confidence in the Minister, and had even gone so far as to declare, that he should consider it as criminal in the Minister, if he gave the House any information whatever on the subject. The ground of confidence had shifted materially since its first introduction three years ago. They had then heard of rational confidence; since, a greater degree of confidence had been talked of, and now the noble Lord had avowed that he gave the Minister implicit confidence. Had they not better at once appoint the right honourable gentleman Dictator, and give him the power of making war and peace just as he thought proper? The noble Lord, who had, on a former occasion, shewn himself very much attached to the ancient Greeks, had appeared not to be so much attached to the modern Greeks, and had said,

"See

" See what a faithless set of people these modern Greeks " are !" In what, Mr. Sheridan asked, did their treachery consist ? He knew of no such treachery, and he owned that he should rather have expected that the noble Lord, with a classical indignation, would have lamented that the desendants of Demosthenes should not be orators, statesmen, and soldiers, but an unfortunate race of men, kept only to pamper the false taste and degraded appetites of the Ottoman Court. So much out of humour had the noble Lord proved himself to be with the modern Greeks, that he had been betrayed into a perfidy of quotation, and had quoted a Latin line, to his surprise, Mr. Sheridan said, when he had expected a line of Homer from him at least. With regard to what had been observed of that House invading the prerogative of the Crown, if they interfered with negociations, he was, for one, always ready to confess, that the just prerogatives of the Crown should be kept sacred; but those were no friends to the prerogative, who should advise the exercise of it in the extreme, and endanger its proving obnoxious to that House. The best Government under the practice of our constitution consisted in a wise blending and co operation of the executive and legislative branches of it. The King certainly might, if he pleased, make what treaties he thought proper, and keep them from the knowledge of Parliament, if he was so advised by his Ministers; he might also make war and peace, and in doing that, confidence was reposed in those on whose shoulders, as a counterpoise, responsibility lay. But the moment they came to that House for support and assistance, confidence was at an end, and the hour of inquiry and control was arrived. Yet, what he wished to contend for was, that ancient, constitutional, and most useful function of a British House of Commons, their capacity of advising the Crown, and of being enabled, by a due application and exercise of their preventive wisdom, to save the country from that expence and calamity into which they might otherwise be plunged, either by the error of Ministers, their imprudence, their neglect, or their corruption. If the House of Commons were to be deprived of that important function, and were never suffered to exercise their preventive wisdom, their chief use, as a deliberative Assembly, would be lost to the Public, and the whole powers of that House would be reduced to two dry points: the power of the purse, and the power of impeachment. Thus, instead of consulting them as advisers of the Crown, they would be reduced to the miserable condition of acting upon public measures in the last fatal instance, that of loading their constituents with the expence of them, when it might afterwards turn out that they were measures not fit to have been pursued; and in that case,

all left for them to do, would be to prosecute Ministers to punishment. If the purpose of a message from the Crown should be at any time to tell them that the enemy were at their doors, and therefore supplies must be granted, he certainly should first ask, on whose account they were called upon, and how it happened that they had not before been apprized of the public danger? but he should grant the supplies on account of the necessity and exigency of the case. The honourable gentleman opposite to him had wondered that they should speak of the proceedings in that manner as a novelty, and remarked, that they were totally ignorant of parliamentary constitution, if they did not know that it had been the practice of Ministers, in similar cases, to ask for support, and give no explanation at the time. Ignorant, indeed, he confessed they must be, if the case were so; yet he could not but imagine that the honourable gentlemen who were so ready to give their confidence blindly and implicitly, were themselves so confident, that they ventured to quote precedents, without ever having given themselves the trouble to look and see whether they would support their argument. It so happened, that all the precedents from the year 1700 downwards, were against them, and in favour of what he had just contended for. In the case of the war of 1700, there had been a desire of preserving the balance of power in Europe, and King William had applied to the House on the occasion. Mr. Sheridan read from the journals the message of King William, and the address of the House in answer. In the one, the King states the purpose of his application, and calls for the advice of his Commons, and in the other, the House tells His Majesty that they will give him their advice, as soon as they are fully informed on the subject, and desire that all the treaties entered into by His Majesty may be laid before them, that they may be able to offer him their mature advice. It appeared from hence, that King William, in the instance which he had read, did not think it beneath him to ask the advice of the House of Commons, and they had heard what the language of the House had been in return. As the honourable gentlemen on the other side might not like a precedent so near the Revolution, he would turn to another of a more recent period, that of 1734. So far from the Ministers of that day calling for the confidence of Parliament, the King placed a confidence in his Parliament, and put the whole business into their hands. Mr. Sheridan declared that he could not but wonder that the House bore with patience the cant of responsibility, which was preached to them by all who contended for confidence. They were eternally saying, give Ministers implicit confidence; have not they the responsibility? as if they considered responsibility as a perquisite of

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office, [illegible] of their situation. If they felt [illegible] they would shrink from the bare mention [illegible] of it, [illegible] as a [illegible] worth [illegible] [illegible] confusion, [illegible] [illegible] payment [illegible] the crime, [illegible] completed, they [illegible] compared it [illegible] could not [illegible] that such a [illegible] What [illegible] the right [illegible] due [illegible] on the [illegible] effective [illegible] were to say, "Stop [illegible] Ministers [illegible] shall have the satis- "faction [illegible] in both cases, pre- [illegible] to punishment, [illegible] king an example, [illegible] completed, they would [illegible] manner, [illegible] to rescue their [illegible] from taxes, by [illegible]. With [illegible] to the [illegible] that he did not [illegible] he could [illegible] bet- [illegible] so in the [illegible] their [illegible]. [illegible] she had [illegible] in the [illegible] to the [illegible] appear [illegible] was not more [illegible] to the Porte? Suppose [illegible] she had [illegible] of our [illegible] part to give it to [illegible] the other of our allies. What should we have said to [illegible] mind? The answer would have been, [illegible] to do with our possessions in the East Indies? [illegible] should [illegible] the [illegible] and treated

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it with contempt. Suppofe, in that cafe, the Emprefs had fent a fleet down the Channel, and burnt Hull, in its way to London, where, on her arrival, fhe was determined to enforce her negociations, by acting as an armed mediator.—Should not we have thought that Ruffia acted moft arrogantly, and moft unwarrantably; and yet, her conduct in that cafe would not be more extraordinary than ours in the prefent inftance. Mr. Sheridan added, that he fhrewdly fufpected that we were led on by our allies, and that the real caufe of the war was a Pruffian object in Poland. Suppofe, however, that we went on with the war, and that, in the end, the Emperor obtained what he wanted in Moldavia and Wallachia; the Emprefs what fhe wanted in Turkey; and Pruffia, Thorn and Dantzick; in that cafe, he would venture to predict, that the lot of England would be to pay the piper, and that the expence which we might incur would be all that would fall to our fhare. Having ftated this, Mr. Sheridan now adverting to the Chancellor of the Exchequer, arraigned his conduct, and declared that he fhould not be afraid to go through his whole political life, and would undertake to prove, that moft of his meafures had been pregnant with mifchief to the country. In the moment of bringing forward each, the right honourable gentleman had faid to the Houfe, "Give us your confidence; we are refpon-"fible!" Confidence might not, Mr. Sheridan faid, be always well applied. He afked, whether the right honourable gentleman recollected the very different profpects which we had been taught to turn our eyes to in this year? Did he recollect that this was the promifed Millenium! that halcyon year, in the fpring of which we were to tafte the fweets and bloffoms it was to produce? Did the right honourable gentleman reflect, that he had told them that they fhould not only have their income equal to their expenditure, but a clear million a year furplus to pay towards the diminution of the national debt, and a permanent peace eftablifhment? Mr. Sheridan contrafted this with the actual ftate of the moment, the immediate profpect of another war, and the certainty of additional taxes. The people, he obferved, would not bear the intolerable burdens under which they muft then groan, unlefs the right honourable gentleman came fairly forward, and affigned a fatisfactory ground for going to war. There was not one gentleman in the Houfe who really faw a motive for it which he could reconcile to any reafonable idea. With regard to confidence, he declared that he fhould not give his confidence to Minifters to treat with foreign Courts, unlefs the firft department of office, in which all our foreign negociations lay, were refcued from the hands of a perfon who, to an overcharged conceit of his own abilities, added

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the rashness which always must attend inexperience, and placed in the hands of a man familiar with foreign Courts, and possessed of dexterity and simplicity sufficient to enable him to discharge the duties of the office with skill and with success. By dexterity, he said, he did not mean that cunning which another person mistook for craft, and that craft for wisdom; he meant dexterity to discover and ward off the devices and intrigues of foreign Ministers, and others; and simplicity to follow the straight-forward path of open manliness and plain dealing himself. He declared that he would leave it to the House to make the application of this contrast, but unless a department of so much importance, considering the present situation of foreign Courts, were placed in such hands, it was impossible for him to give confidence at such a time to Ministers; nor had they, in fact, any right to expect it from him, who had uniformly and openly resisted the right honourable gentleman's measures.

Mr. Sheridan next turned his attention to the conduct of the right honourable gentleman opposite him, respecting Holland in 1787, for which praise had, on all hands, been candidly allowed him. He declared that if the question were put to him, and he were asked if, as a single measure, he rejoiced at it? he should, without hesitation, answer, that he did not; because he never could rejoice at seeing the stock of liberty diminished, and, by our interference, that noble republic was again reduced to the miserable state of vassalage under which she had so long groaned; but, when he considered that it was probable at the time that Holland would have become a province to France (though subsequent events had since proved that it could not have been the consequence) he was ready to join in commending the conduct of the right honourable gentleman on that occasion. But if it were true, that the recovering our connection with Holland was nothing more than a part of a system, and that the fortress of Oczakow were to be traced from the canal at Amsterdam, he should reprobate it in the strongest terms; he would fairly declare, however, that he did not believe that the right honourable gentleman had entertained an idea of any such system at the time. He suspected that the right honourable gentleman's measures had carried him much farther than he had ever intended to go, and that the pretence of its having been a part of a predeterminate system, was nothing more than a salvo assumed for the purpose of covering the extraordinary conduct of the right honourable gentleman. Mr. Sheridan here descanted on the chance of our next year, having fresh press warrants issued, and being called upon to arm, in consequence of our having formed an alliance between Poland and Prussia. He went through a summary of what had passed in the different

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rent Courts of Stockholm and Madrid, during the administration of Mr. Pitt, and imputed blame to him on the events of each. He also said, that among other evil consequences of the pernicious system arising out of the treaty with Prussia, it had fastened on us a concern with the Germanic league, and that we should be lugged in as parties to the measure. He declaimed against the system, and said, let us call it any thing but a system of peace; let us say it is a system of ambition, of vain glory, to see the offspring of the man or Lord Chatham, intriguing in all the Courts of Europe, and setting himself up as the great posture master of the balance of power, as possessing an exclusive right to be the umpire of all, and to weigh out in patent scales of his own, the quantity of dominion that each Power shall possess. Was not the right honourable gentleman in establishing a principle which would unite the interest of all [illegible] against [illegible] Was [illegible] to stand forward [illegible] such a [illegible] make [illegible] of [illegible] rope would [illegible] make it necessary to exterminate [illegible] Mr. Sheridan mentioned the conduct of Mr. Elliot [illegible] and having stated what had passed there [illegible] the House to the speeches of His Majesty, which told them, that our Court [illegible] to receive the strongest assurances from foreign Powers, that there was no [illegible] of our tranquillity being likely to be disturbed, and [illegible] what had [illegible] time to time. [illegible] revolution in France, he did not mean to [illegible] sion of the subject; his opinion upon it remained fixed and [illegible] the same, but there was one point which all may [illegible] rejoicing in, as a consequence of the French revolution, and [illegible] that she could no longer go about intriguing [illegible] of the Courts of Europe [illegible] We [illegible] up [illegible] that world [illegible] of the [illegible] of France, and run about producing fresh war and fresh disturbances. He had not thought that any thing could have [illegible] him to lament the loss of French enmity; but [illegible] he should do so most seriously. He had hoped that what had happened in France would have served as an useful lesson, and that we should have had leisure to have improved by studying it.

Mr. Ryder. Mr *Ryder*, in explanation, stated, that the confidence which he contended for, as absolutely and indispensably requisite to be granted to a Minister, was a constitutional confidence, to enable him to conduct all foreign negociations of peace and war; and not as represented by the honourable gentleman who spoke last.

Mr Dundas. Mr *Dundas* professed himself unwilling to trespass on the time of the House, but his right honourable friend (Mr. Pitt) having

having been called upon so loudly, to do that which it would be criminal in him to accede to, he felt himself bound to say a few words, in reply to the vast variety of observations made by the last honourable gentleman on the other side of the House; nor was he, for another reason, desirous of entering into debate in the present moment, because it would be dangerous to the present negociation to divulge the secrets of it, for the purpose of gratifying those gentlemen who have with much zeal and earnestness required it, and with much labour endeavoured to satisfy their requisition. He was not deterred by the [illegible] of declamation, or powers of eloquence, which the right honourable gentleman had displayed, from supporting the arguments of the present day against the unjust and unreasonable demand made from His Majesty's Ministers, at a time when privacy was most to be desired, for the real and substantial advantage of the country. He therefore [illegible] not to depart from the established rules laid down for the conduct of Ministers, on similar occasions; from rules which the wisest Councils had never deserted.—While he was ready to allow the great ability and powerful eloquence of the honourable gentleman, he could not help observing, that it was [illegible] with the most inflammatory declamation against the conduct of men to whom he had given his most unequivocal approbation. He had condemned the confidence given to Ministers, on the present, as on all similar occasions, and [illegible] had contended that the high privilege of this House, to know the particulars of this negociation, was withheld from them. He had asserted, and a bold assertion it was, that no one circumstance of the cause of our present armament had been communicated to the House, and all such assertions were supported by a train of the most fallacious arguments ever urged in that House. Therefore, if the House was inclined, instead of moving the previous question, to attend to a [illegible] address to their understandings, and not a gilded [illegible] to their passions, he was confident he should satisfy them of the fallacy of those assertions, and also convince them, that the question first moved was premature, and improper to be brought before them. Mr. Dundas next adverted to the several speeches of His Majesty, mentioning the existing disturbances between the Ottomans and Russians, and particularly the message from His Majesty, communicating, that those disturbances had risen to so alarming a height, as to render his mediation to effect a peace absolutely requisite, and to which mediation the House had acquiesced. For the purpose of giving vigour and effect to this mediation, the House had also agreed, as would appear by the paper on the table, to an increase of our naval force, and this mediation had been stated to the House as by

by no means succefsful, but had led to a negociation, which the oppofite fide of the Houfe had called upon His Majefty's Minifters to particularize and explain, to which unreafonable and unprecedented requifition a refufal had been given. This refufal was now attempted to be called novel and unconftitutional, fubverfive of the privileges of this Houfe, and pregnant with the moft alarming confequences. But he would afk the honourable gentleman, if an acquiefcence with their demand would not be more novel, more unconftitutional, and more dangerous? and whether, from a premature difclofure of the particulars of a foreign negociation, evil confequences were not to be dreaded; and whether it would not be abfolutely and completely rending from His Majefty the prerogative vefted in him by the conftitution, of making peace and war, and negociating with foreign Powers, independent of the interference of Parliament? To thefe queftions the anfwer was evident, and every gentleman muft join him in the affirmative. Then, if this were granted, which he was fure it muft, he would afk, if it was an abufe of the confidence of that Houfe, under the prefent circumftances, to remain filent, and let thofe untimely and premature queftions remain unanfwered? No! for it muft be evident to every man, that by a promulgation of the minutiæ of the prefent negociation, it would not only be an abufe of the confidence of the Houfe, by betraying thofe fecrets which Minifters were bound to keep, but would effect the complete overthrow of the negociation, and be followed up by a fubverfion of the prerogative of the Crown, the confequences of which would be unfathomable. But there was ftill fomething more extraordinary in this demand, and more dangerous, if complied with, in its effects; for Minifters were not called upon for a general and complete ftatement of the negociation, but a partial communication of materials was required, on which the Houfe was partially to decide. Yet, he trufted that it required not from him a fingle argument, to prove the danger which would naturally arife from a conduct fo replete with every thing that muft inevitably invert all order in the prefent and in future negociations; for this was not a queftion of war, upon which fuch a demand would be juftly made; but this was a queftion of negociation, to procure, if poffible, on honourable and equitable terms, a ceffation of hoftilities, and the eftablifhment of tranquillity in Europe. And here he fhould remark, that, as a queftion of negociation, and not of war, as it had been tranfmitted by the honourable gentleman on the other fide, his right honourable friend, who had on feveral occafions, with great credit to himfelf, and fatisfaction to his country, and to this Houfe, acting under their confidence, proved himfelf highly deferving it, was, on

the score of policy, as well as of matter of right, entitled to confidence on the present occasion; and not only a constitutional confidence, but a personal confidence. Mr. Dundas next adverted to the several extracts read by Mr. Sheridan, in support of his assertion of the right the House had to a communication on the subject; which he contended were no way applicable, but related only to instances where war was declared. He then referred to the observations also made by Mr. Sheridan on the Spanish armament, and to which armament he gave his hearty assent, though he now thought proper to arraign his right honourable friend; to which observations he replied, that the charge of criminality against his right honourable friend ought to have been coupled with a charge against himself, for a change of opinion on that subject, which was now brought forward with the most reviling and intemperate language, without any analogy to the present question, or with a single argument to support it. He contended against the dangerous effects of divulging the particulars of a negociation, which, he said, was the real question before the House, and not a question of war; and he concluded with giving his assent to the motion for the previous question.

Mr. *Harrison* said, that the system alluded to so much, appeared to him to be a system of delusion, and that it threatened to involve us in all the calamities and expences of a German war. Mr. Harrison.

The House divided on the previous question;

Ayes, that Mr. Grey's motion be now put,	172
Noes - - -	252
Majority for the previous question -	80

When the House was resumed, Mr. Grey moved his string of resolutions severally.

Mr. *Fox* charged the Minister with duplicity and deception, in having, in the speeches from the Throne, stated that His Majesty had the strongest assurances of amity and peace, when the events which followed proved the contrary. Mr. Fox.

Mr. Chancellor *Pitt* answered, that no rude words addressed to him by the right honourable gentleman, should prevent him from calmly declaring, that when His Majesty stated to the House, in his speeches from the throne, that he had received the most amicable assurances of their good will, such had been the language of the several Courts; and if any of them had since thought proper to take umbrage at any part of His Majesty's measures, that did not affect the validity of the assertions at the moment, that the fact had been communicated by His Majesty to Parliament. Mr. Pitt.

The House adjourned.

The following is a Correct List of the MINORITY on Mr. Grey's Motion.

Bedfordshire.
Earl of Upper Ossory,
Hon. St. Andrew St. John.
Bedford, Town of.
William Colhoun,
Samuel Whitbread, jun.
Berkshire.
Winchcombe Henry Hartley
Abingdon
Edward Loveden Loveden.
Chipping Wycombe.
Earl of Wycombe,
Sir John Jervis, K. B.
Aylesbury.
Gerrard Lake.
Marlow.
William Lee Antonie.
Windsor.
John Barker Church.
Cheshire.
John Crewe.
Cornwall.
Sir William Lemon, Bart.
Launceston.
Lt. Gen. Sir Henry Clinton, K.B.
Bodmyn.
Roger Wilbraham,
Sir John Morshead, Bart.
Helston.
Sir Gilbert Elliot, Bart.
Camelford.
James Macpherson.
St. Michael.
David Howell.
Newport.
Viscount Fielding,
Charles Rainsford.
Cumberland, County of.
Sir Henry Fletcher, Bart.
Carlisle.
Wilson Braddyll,
John Christian Curwen.
Cockermouth.
John Anstruther.

Derbyshire.
Edward Miller Mundy.
Derby Town.
Lord George A. H. Cavendish,
Edward Coke.
Oakhampton.
Lieut. Colonel St. Leger.
Tavistock.
Right hon. Col. Fitzpatrick.
Lord John Russell.
Exeter.
James Buller.
Dorsetshire.
Francis John Browne.
Dorchester.
Hon. George Damer.
Bridport.
Charles Sturt.
Wareham.
Lord Robert Spencer.
General Richard Smith.
Poole.
Michael Angelo Taylor.
Durham County.
Ralph Milbanke.
Durham City.
John Tempest.
Wm. Henry Lambton.
Beverley.
John Wharton.
Knaresborough.
Viscount Duncannon.
James Hare.
Malton.
Rt. hon. Edmund Burke.
William Weddell.
Richmond.
Earl of Inchiquin, K. P.
Lawrence Dundas.
Ripon.
William Laurence.
Thirske.
Robert Vyner.

York.

York.
Sir W. M. Milner, Bart.
Richard S. Milnes.
Hythe.
William Evelyn.
Maidstone.
Clement Taylor.
Essex, County of.
John Bullock.
Malden.
Charles Callis Western.
Tewkesbury.
James Martin.
Herefordshire.
Sir George Cornewall, Bart.
Hereford, City of.
John Scudamore.
James Walwyn.
Hertfordshire.
William Plumer.
William Baker.
Hertford Town.
Baron Dimsdale.
Huntingdonshire.
Earl Ludlow.
Huntingdon.
Henry Speed.
John Willet Payne, a Captain in the Royal navy.
St. Albans.
Hon. Richard Bingham.
Rochester.
George Best.
Lancashire, County of.
Thomas Stanley, cousin to the Earl of Derby.
Lancaster.
Sir George Warren, K. B.
Preston.
The right hon. John Burgoyne, a Lieutenant General of His Majesty's Forces, and Colonel of the 4th regiment of foot.
Liverpool.
Banastre Tarleton, a Lieutenant Colonel in the army.
Wigan.
John Cotes.
Orlando Bridgeman.

Clitherow.
Sir John Aubrey, Bart. LL. D.
Newton.
Thomas Peter Legh.
Leicester, Town of.
Thomas Boothby Parkins, eldest son of Sir Thomas Parkins, Bt. F. R. S. and A. S
Lincolnshire.
Charles Anderson Pelham.
Sir John Thorold, Bart.
Boston.
Sir Peter Burrell, Bart.
Great Grimsby.
John Harrison.
Dudley North.
Middlesex.
George Byng.
Westminster.
The right hon. Charles James Fox.
London.
John Sawbridge, Alderman of this city, and Colonel of the Kent militia.
Norfolk, County of.
Thomas William Coke.
King's Lynn.
Hon. Horatio Walpole, eldest son of Lord Walpole.
Yarmouth, Norfolk.
Right hon. Charles Townshend.
Thetford.
Joseph Randyll Burch.
Norwich.
Rt. hon. William Windham.
Northamptonshire.
Thomas Powys.
Northampton, Town of.
Hon. Edward Bouverie.
Peterborough, City of.
Hon. Lionel Damer, youngest son of Lord Milton.
Richard Benyon.
Higham Ferrers.
John Lee.
Northumberland, County of.
Sir William Middleton, Bart.
Charles Grey.

Newcastle

Newcastle upon Tyne.
Sir Matthew W. Ridley, Bt.
Berwick upon Tweed.
Hon. John Vaughan, brother to the Earl of Lisburne, a Lieut. General, Governor of Berwick, and Col. of the 46th regiment of foot.
Nottinghamshire.
Charles Pierrepont.
Nottingham.
Daniel Parker Coke.
Banbury.
Lord North, son to the Earl of Guildford
Rutlandshire.
Gerard Noel Edwards.
Shrewsbury.
William Pulteney.
Ludlow.
Lord Clive
Bridgenorth.
Thomas Whitmore.
Wenlock.
Sir Henry Bridgeman, Bart.
Cecil Forrester.
Bishop's Castle.
Wm. Clive, uncle to Lord Clive.
Ilchester.
John Harcourt.
Samuel Long.
Totness.
William Powlett Powlett.
Bristol.
Lord Sheffield
Winchester
Henry Penton, Letter Carrier to his Majesty.
Portsmouth.
Sir Harry Fetherstonhaugh, Bart.
Hon. Thomas Erskine, brother to the Earl of Buchan, and Attorney General to the Prince of Wales.
Newport, Hants.
Viscount Palmerston, LL. D.
Viscount Melbourne, Gentleman of the Bedchamber to the Prince of Wales.
Yarmouth, Hants.
Jervoise Clerk Jervoise.
Sir John Fleming Leicester, Bt.
Whitchurch.
Viscount Middleton.
Petersfield.
Marquis of Titchfield, eldest son of the Duke of Portland.
William Joliffe.
Stockbridge.
Major John Scott.
John Cator.
Stafford.
Richard Brinsley Sheridan.
Tamworth.
John Courtenay.
Litchfield.
Thomas Anson.
Suffolk, County of.
Sir Thomas Charles Bunbury, Bart.
Ipswich.
Sir John Hadley D'Oyley, Bart.
Dunwich.
Joshua Vanneck.
Orford.
Viscount Beauchamp, eldest son of the Earl of Hertford.
Hon. William Seymour Conway.
Aldborough, Suffolk.
Lord Grey, Son of the Earl of Stamford.
Hon. Thomas Grenville, next Brother to the Marquis of Buckingham.
Sudbury.
John Cox Hippisley, LL.D. Recorder of this Borough.
Thos. Champ Crespigny, LL. D.
St. Edmund's Bury.
Sir Charles Davers. Bart.
Surry, County of.
Lord William Russel.
Gatton.
William Currie.
John Nesbit.
Blitchingley.
Philip Francis.

Ryegate.

Hon. John Summers Cocks, eldeſt ſon of Lord Summers.

Suſſex, County of.

Rt. hon. Thomas Pelham, eldeſt ſon of Lord Pelham.

Horſham.

Timothy Shelley.

Midhurſt.

Hon. Percy Charles Windham.
Hon. Charles Wm. Windham.

Steyning, Suſſex.

James Martin Lloyd.

Arundel.

Henry Howard.

Lewes.

Thomas Kemp.

Warwickſhire.

Sir George Auguſt. Wm. Shuckburgh, Bart. F. R. S.

New Sarum.

William Huſſey.

Chippenham.

James Dawkins.

Wootton Baſſet.

Viſcount Downe.

Worceſterſhire.

Hon. Edward Foley.

Droitwich.

Hon. Andrew Foley.

Eveſham.

Thomas Thompſon.

Sandwich.

Sir Horace Mann, Bart.

Dover.

John Trevannion.

Cardigan.

John Cambell.

Carmarthen.

J. G. Philips.

Denbighſhire.

Robert Watkin Wynne.

Flintſhire.

Sir Roger Moſtyn, Bart.

Montgomeryſhire.

William Owen.

Montgomery, Town of.

Whitched Keene, brother-in law to the Earl of Dartmouth.

Pembrokeſhire.

Lord Milford.

Pembroke, Town of.

Hugh Barlow.

Caithneſsſhire.

Sir John Sinclair, Bart.

Renfrewſhire.

John Shaw Stuart.

Stirlingſhire.

Sir Thomas Dundas, Bart. brother in law to Earl Fitzwilliam.

Judburgh, Haddington, &c.

Hon. Thomas Maitland, Brother to the Earl of Lauderdale.

Peebles, Lanerck, &c.

William Grieve

Dumfries, Sanquhar, &c.

Patrick Miller, jun.

Sir J. St Clair Erſkine, Bt. } Tellers
William Adam, }

The following Members paired off.

John Webb with the Marquis of Blandford.
The Earl of Liſburne with Philip Metcalf.
Richard Beckford with Thomas Gilbert.
Hans Sloan with Nathaniel Dance.
The Earl of Burford with William Wilberforce.
Sir William Codrington with John Fownes Luttrell.

Wedneſday,

Wednesday, 13th April.

No material debate occurred.

Thursday, 14th April.

Sir Gilbert Elliot, from the Select Committee, who were appointed to try and determine the merits of the petition of the honourable Cropley Ashley; and also, the petition of the several persons whose names are thereunto subscribed, on behalf of themselves and others, electors of the borough of Dorchester, in the county of Dorset, severally complaining of an undue election and return for the said borough, informed the House,

That, pursuant to the last determination of the House of Commons, the right of electing burgesses to serve in Parliament for the borough of Dorchester, in the county of Dorset, is in the inhabitants of the said borough, paying to church and poor, in respect of their personal estates, and in such persons as pay to church and poor, in respect of their real estates, within the said borough, though not inhabitants or occupiers, and although their names do not appear upon the poor's rate;

That the honourable George Damer is not duly elected a Burgess to serve in this present Parliament for the borough of Dorchester, in the county of Dorset;

That the honourable Cropley Ashley, the petitioner, ought to have been returned a Burgess to serve in this present Parliament for the said borough of Dorchester;

And that the said honourable Cropley Ashley is duly elected a Burgess to serve in this present Parliament for the said borough of Dorchester.

The House adjourned.

Friday, 15th April.

Mr. Thomas Master, from the Select Committee, who were appointed to try and determine the merits of the petition of John Drummond, and Robert Drummond, Esquires; and also the petition of the several persons whose names are thereunto subscribed, being legal electors of Members to serve in Parliament for the borough of Ludgershall, in the county of Wilts, severally complaining of an undue election and return for the said borough, informed the House,

That, pursuant to the last determination of the House of Commons, the right of voting for Members of Parliament for the borough of Ludgershall, is in such persons who have any estate of inheritance, or freehold, or leasehold, determinable upon life or lives, within the borough, not confined

to

to entire ancient houses, or the entire scites of ancient houses, within the borough;

That George Augustus Selwyn, Esq. deceased, was duly elected a Burgess to serve in this present Parliament for the borough of Ludgershall, in the county of Wilts;

And that the honourable William Harboard is duly elected a Burgess to serve in this present Parliament for the said borough of Ludgershall.

Mr Baker

Mr *Baker* observed, that as the question, whether it was politic or ill judged to turn our arms against Russia, had undergone an ample investigation, on one side of the House, it remained for him only to press the points of the former motions, and collect the scattered parts of the argument into one general view, in order to vindicate the privileges of the House, and establish their right of inquiry into all objects for which a supply might be required. This right of inquiry, as connected with their power of granting supplies, it became incumbent upon them, from their duty to their constituents, to watch with a jealous eye, and in no instance in which this was concerned, to allow their attention to be remitted, or their vigilance to be lulled asleep. In the circumstances of the present occasion, there was nothing perhaps to excite jealousy: a mediation was going on; an armament was required; in all this there was nothing extraordinary, if we had been informed what was the object fought by the mediation, and what the purposes to which it was proposed that the armament should be directed. It was not the circumstances taken by themselves, but the conduct which Ministers chose to adopt on the occasion, that afforded ground of alarm and jealousy. All the information to be procured, was what had been given in the message. The address was merely its echo. Two objects were there stated, for which an addition to the naval force was deemed necessary, in order to promote the interests of this country, and establish, upon a permanent footing, the general tranquillity of Europe. The mediation, it might be supposed, was conducted with the same view, and in conjunction with other allies. But it certainly took away much from its authority as a mediation, that it had not been asked, but offered; we had not been solicited to employ our arbitration; we had chosen to interpose our interference. The treaties which we had formed with those allies, with whom we were concerned in this mediation, were merely defensive. Its object might be supposed to bring about a peace between Russia and the Porte; an object which, as it did not affect the interests of this country, might not be conceived to require, on our part, any active or immediate interposition. He might almost content himself with renewing the

motions which had been made by his honourable friend during the former debate, as the arguments by which they had been supported remained yet unrefuted, and those who had chosen to oppose them, were either not willing or unable to state any solid grounds of objection. But as representatives, who had so recently come from the people, and were entrusted with the charge of expressing their sentiments, it became them fully to discuss all measures of executive power, and particularly to enquire into those which might tend to involve their constituents in any additional burden and expence. At the period of the convention with Spain, we were not apprised of any negociation pending, which was at all likely to endanger the tranquillity of the country. No information had yet been given of the object of the armament, or the particular interests of the country, which it was intended to promote. Few arguments had been advanced on the other side of the House, to get rid of the plea in support of the motions. It had been contended that the present conduct of Ministers was in conformity to the course of former proceedings, and that supplies had frequently been granted, without any information of the object in view, or the purposes to which they were applied. This could only be answered by denying the fact. It was not true that supplies had been granted without information; on every demand of supply, information had been given, in many cases specifically, but in all substantially. The present case was entirely new and unexampled; and it became the representatives of the people to oppose a conduct so novel and unprecedented, which seemed to lead to a measure so universally disclaimed, and loudly reprobated, as a war with Russia. The Public had now begun to think seriously; their situation was very different from what it had been in a former Parliament, when he had occasion to make a motion; then their numbers were every day diminishing, but even then they had stood firm in support of a great and constitutional point. Now their numbers were increasing, and would increase; motions would be brought forward in different shapes, till Ministers became forced to abandon a system so odious in itself, and pregnant in its consequences with mischief to the country, by discovering that their majority was converted into a minority. In conclusion, Mr Baker moved,

"That it is at all times the right and duty of this House, "before they consent to lay any burdens on their constituents, to enquire into the justice and necessity of the objects, in the prosecution of which such burdens are to be "incurred."

"That no information has been given to this House, which "can satisfy us that the expences to be incurred by the present

"sent armament are necessary to support the interest of these
"kingdoms, or will contribute to the great and important
"object of restoring the tranquillity of Europe on a secure
"and lasting foundation."

Mr. St. John.

Mr. *St. John* observed, that he could not avoid availing himself, while he seconded the motion of his honourable friend, of the opportunity which presented itself for protesting against the consequences of the country being involved in an unnecessary and unjust war; and against the doctrine laid down of implicit confidence, and the position with which it had been accompanied, that it was even criminal in the House to oppose it. Had this doctrine fallen from only one Member, he should have considered it as a matter of serious alarm and jealousy to the House; but when it had been taken up, when it had been avowed, and repeated by several persons in office, he considered it as their duty to vindicate their own privileges, and assert their right of inquiry, in disposing of the money of their constituents. In support of the practice of demanding supplies without information, it had been stated, that such had been the uniform course of proceeding — Precedents had been attempted to be brought; but instead of being particularly enumerated, they had only been loosely mentioned. These precedents were drawn from the reigns of George I. and George II., but as a proof of the nature of the blind confidence which those gentlemen recommended, gentlemen would please to observe, that the precedents at those periods went directly to overturn their own argument. Here Mr. St. John quoted several precedents from the reign of George I. to prove that that Monarch, in his demand of supplies, had always informed the House of the object to which it was proposed to apply them; and in order that their means of information might be more complete, had ordered to be laid upon the table copies of the letters of the Ministers abroad, and likewise of treaties; and this had happened in the case of those very precedents on which the most stress had been placed. The message simply stated the want of success of His Majesty's mediation, and demanded an addition to the naval force. In any demand which involved a grant of supplies, it became the duty of the House to enquire into the occasion which rendered these supplies necessary, and the purposes to which they were meant to be applied, as it became the duty of Ministers to afford the necessary information. No intimation had before been given of any probability of an interruption to tranquillity. Even the persons against whom the force was to be directed were not stated. If it was our real interest to join with the Turks against Russia, it must appear rather strange, that the late King of Prussia had paid the Empress of Russia a subsidy, in order to check the

the progress of the Turks, and that she was then much nearer Constantinople than she is at present, without exciting any jealousy on our part. Ministers appeared to have plumed themselves upon the economy of disarming; but, from the necessity of preparing a fresh armament, this economy must now turn to small account. The hardship of pressing with which it was attended, had become an evil seriously to be regretted. The derangement of the Empress of Russia's finances, might incline us to believe that she would not be long able to hold out; but would not the information of some recent circumstances in this country, induce her, with equal reason, to form the same conclusion with respect to us? Mr. St. John, alluding to the scheme of appropriating the unclaimed Bank dividends, quoted the lines of a poet, addressed to Charles II. on a similar measure:

> "Robbing the Bank, in thee, was only great,
> "But, in some people, it had been a cheat."

Speciously had it been contended, that we should gain a sufficient atonement for the sacrifice of our trade with Russia, by a new commercial intercourse with Poland. But even supposing this intercourse to be as extensive as was stated, yet as it must be carried on through the medium of other hands, it would necessarily be productive of less advantage. Nor was it perhaps a safe principle in commerce, to sacrifice the certainty of an established trade to the mere probability of a trade in speculation.

Mr. Cocks.

Mr. *Cocks* congratulated the House on the opposition which a large minority had given to a measure brought forward entirely without ground, and without reason. He was convinced, that while the loss and expence were certain, the advantages were merely speculative, nay, wholly chimerical. They depended on a train of probabilities, and were the one to fail, they must all be destroyed. The progress of the Empress of Russia, and the probability of her obtaining possession of Constantinople, were mentioned as objects of alarm and danger. It was, perhaps, difficult to perceive what we could have to dread on this quarter. Possessed already of an extent of territory thinly peopled, little was to be apprehended from a mere extension of territorial dominion. If the object of her conquests was the improvement of commerce, the advantage from the distinguished rank which it holds in every species of art and industry, must ultimately accrue to this country. To Ministers he would not address himself; they had already formed their opinions, and to speak to them he knew would be in vain. But he would address himself to the country gentlemen; he would intreat them not to involve the country, at the present period, when

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t is so distressed in its resources, in a war, of which they knew nothing. The resources, of which the country might still be capable, he knew were indeed great; but he intreated them not to lavish those resources unworthily, or leave their posterity to feel the consequences of their present misconduct. He might be wrong, but disinterested, and free from any influence; he had formed his opinion from the most attentive and deliberate consideration, and if on such a subject it was ill founded, he must disclaim all pretensions to common sense. He considered the constitution, nay, the very existence of the country, as interested in the issue of this question. It was to decide what were the privileges of the House, and what the confidence due to Ministers. If there was any good principle, which had been adopted in a late revolution, or which was deserving to become an universal regulation, it was, that war should not be made from any motive, except for self-defence. He hoped that it was not hazarding too much, to assert that this was not an age when Ministers, or Kings' favourites, or Kings' mistresses, or the mistresses of Ministers, (nobody would suppose that he intended any imputation on the right honourable gentleman on the other side) could make a war merely for their own will and pleasure. That age was now past, and he trusted that this country would never engage in a war, from blind confidence in a Minister, without either an inquiry into its object, or a discussion of its consequences.

Mr. R. P. Carew

Mr. *Pole Carew* having premised that he meant to move the previous question, as the motions now made stated the same proposal, as those which had been brought forward in the last debate, only expressed in a different form, added, that it was mentioned in His Majesty's speech, that negociations were going on to provide for the complete establishment of tranquillity in Europe. But, in consequence of the aspect of affairs, a part of the armament had been retained, so that thus the preparations of the present crisis were in some degree anticipated. In a defensive alliance, the interest of the parties was, in his opinion, closely connected even in those respects which were not expressly stipulated by treaty.

Mr. Elliot.

Mr. *Elliot* contended, that at a crisis like the present, inquiry was to be postponed, till it could be gratified with more propriety. Some supplies had already previously been granted for an armament. The total ignorance in which gentlemen on the other side professed themselves to be with regard to the present business, ought to have convinced them that the period of discussion was not come; and that more information was necessary, before they could be qualified to make it the subject of debate. On this account, he would second the motion for the previous question. It appeared to

be the object of the motions, to put an end to the war. To this point, those who had moved and seconded them seemed to have directed their arguments. But if there was any branch of authority peculiarly vested in the prerogative, it was that of making war and peace. Before they had come forward with their inquiries, they should have been convinced, that those inquiries were absolutely necessary. By not moving for the documents of the negociation, they had indicated a sense, that this was not yet the time to be satisfied with regard to the very circumstances which formed the objects of their inquiry. The only document to which they could have recourse, was the Russian Memorial, which, as from evident motives, it would not fail to represent the business in the most favourable point of view for one side, could not be produced as an evidence, nor depended upon as an authority.

Mr. Anstruther

Mr. *Anstruther*, remarked, that the object of this motion did not at all affect the prerogative. It was a strange reason which had been assigned why they should not grant supplies, because to make war is the prerogative of the Crown. The very converse of the proposition prevailed, it was, because it is the prerogative of the Crown to make war, that we are not to grant supplies. It was to operate as a check on that prerogative, that the power of granting supplies was placed in our hands. He would grant, indeed, with the honourable gentleman, that they were perfectly ignorant of every circumstance which had influenced the conduct of Ministers on the present occasion. But he was far from deeming this ignorance an argument for a partial confidence, till Ministers should chuse to afford the means of information. For his part, he had no conception of degrees of confidence; he either gave his confidence implicitly, or not at all. But, before any Minister should obtain his confidence, he must first state upon what grounds it is required, and how it can be given constitutionally. And he must be a person to whom that confidence can be committed with security. A degree of confidence was now required, which had never been claimed on any former occasion. A motion of censure is proposed. The Minister does not come forward to give a vote in favour of his own measures, he shrinks from that approbation, which is only to be purchased by previous inquiry; he is ashamed of himself, and afraid of the consequences of his conduct; he dares not even sanction himself with his own voice. He declines to meet the motion, which he should have challenged, and in order to get rid of a discussion which he found himself unable to support, moved the previous question. The secresy, which was necessary to be observed during a pending negotiation, had been repeatedly urged by the advocates of confidence. The secrets of a pending negociation

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were not now asked to be discovered. It was only wished to be ascertained what they were ngociating about; what was the object of the negociation, not what were the means by which that object was pursued. With regard to means, it was always necessary to employ confidence. All that was now required to be known was whether it was an object which was really entitled to a sacrifice of blood and treasure. A vague idea had been thrown out of danger from the North. But why was it not stated what the danger was, from what quarter, or in what mode it was to be apprehended? Thus we should be enabled to ascertain how far it was formidable, what were the best means of guarding against it, and with what resources Ministers should be furnished in order to avert it.—The demands of Russia in the negociation had not been stated, so that we did not know how far these might be moderate and pacific. The Minister had in his dispute with Spain pursued a different line of conduct. He had first stated the injury, and then the claims which had been formed. Why then were not the claims of Russia stated upon the present occasion? Whatever was the result, whether peace or war, we should find it difficult to extricate ourselves with credit and safety from the system, in which we were at present engaged. The principle on which we seemed to have proceeded was to preserve every thing in Europe on its present footing. The offence which we had given and the disgust which we had created, by the adoption of this principle, and by our consequent conduct, had injured our interests much more at all the courts of Europe than they could possibly be benefited by any advantage which we could reap from the progress of our arms, or the influence of our negociations. It had been alledged, that confidence was due to the Minister, on account of having been so successful. His Majesty, in a former Speech, had informed the House, that it was his wish to prevent the extension of hostilities abroad, but at the same time he assured them, that this country had nothing to dread from that quarter. He afterwards informed them, that he had succeeded in his object of preventing the extension of hostilities. Strange it was, that at a time when Turkey was attacked by Germany, surrounded by Russia, at a time when Belgrade and Bender were taken, there should, then, have been heard no word of assisting the Turks against these powerful combined foes, of supporting them under such circumstances of exigency and distress. During these two years, in which we have been receiving assurances from His Majesty of the pacific aspect of our affairs abroad, Oczakow has been in the hands of the Russians. But the most remarkable circumstance is, that His Majesty in his speech upon the dissolution of last Parliament, did not mention a word about the state of affairs in Europe.

Europe. He recollected an instance of a similar line of conduct to that which the Minister had adopted in this country having been pursued in Spain. The Spanish Minister in 1734 had chosen to find a pretext for a quarrel with the Emperor of Germany, on account of his preponderance in Poland; a circumstance, which is always at hand to justify any dispute. Other Powers had, for two years, been publishing manifestos, during which the King of Spain remained silent. His Minister, in order to account for this silence, said, that it spoke his indignation as pointedly as the most violent manifestos. Upon the same principle the Minister would justify the silence of His Majesty, and, doubtless, he must be allowed to have been indignant, so far as silence is the test of indignation. The manifesto of the Spanish Minister, notwithstanding the ingenuity of the reasoning, was treated with contempt by this House, as the message of our Minister would be by all the other courts of Europe. The demand of confidence might appear rather strange, when the necessity of that confidence had arisen from the practice of a system of deception upon the belligerent Powers, who, if he had sooner declared his intentions, might have avoided part of the vast effusion of blood which had been expended for the two last years. If any conduct merited at once the appellation of weak and wicked, it was the conduct of the Minister. It was equally deceitful and fraudulent to this country, and to the belligerent Powers. Although we were not actually at war, yet the nation was burdened with the expence of an armed negociation. A distinction was made between the power of the sword and the purse; yet that distinction was but of little value, if the strings of the purse were put into the hands of those who held the sword. The honourable gentleman who moved the present question had advanced, that in a defensive treaty, there subsisted between the parties a connection of interest beyond what was expressly stipulated in the treaty. Nothing could be more pernicious than such a doctrine; it was carrying that sort of treaty beyond whatever had been understood or explained; it was leading into engagements, the extent of which could never be known or ascertained: it was rendering the resources of this country subservient to the necessities of Prussia: it was, in fact, leaving the disposal of our blood and treasure to the Court of Berlin, and rendering Prussia a part of England.

Mr. Martin.

Mr. *Martin* observed that, in spite of the arguments which had been advanced for the purpose of proving how very much preparing for war, and coming to actual hostilities, differed from each other, he should still continue to retain his opinion, that an armament which seemed to lead to a war, was a subject of such importance to the country, that some reason

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and cause ought to be given before Ministers called upon that House for a vote of confidence or approbation; while negociation was going on, he had no objection to confidence; but when the money of their constituents was asked, it was constitutional and proper to know upon what grounds it was to be given. In the former debate, it had been said, that the Members of the House of Commons were counsellors of the Crown; but if the present system of unlimited and blind confidence was to be listened to, in what manner was it, unless it was meant to confine them entirely to turnpike and canal bills, that they could possibly give any counsel or advice?

Mr. Yorke.

Mr. *Yorke* remarked, that gentlemen had argued as if we were at war, and as if Ministers demanded our concurrence; whereas the fact was, that the King's message only asked an additional naval establishment, in order to strengthen a negociation which was began. Some had thought that an armed negociation was the same as a war; but he differed from this idea, because that depended much upon the situation of other Powers; and he contended, that it might be necessary for Great Britain to negociate with the sword at her side. He allowed that peace was desirable, but this circumstance by no means precluded the necessity of war upon some occasions. Various causes had been given, and revenge amongst others, but he denied that to be any part of the system of the present Administration. However, he could not avoid stating, that Russia, in politics, had been, for a very considerable time, inimical to Great Britain. An idea seemed to prevail on the other side of the House, that foreign alliances were altogether improper. Now, he would ask gentlemen, whether, seriously, they meant to assert that we ought to form no foreign alliances? With regard to our connection with Prussia, he would likewise ask, whether that country did not assist us to prevent Holland from falling into the hands of the French? and whether we did not then consider the defeat of the French cabals and the patriots at that time as a matter of very essential importance to us? An honourable gentleman had said, in ridicule, in a former debate, that Oczakow seemed to be the key to the balance of power in Europe; he would now state, that whatever Oczakow might be, it certainly was of importance that one side of the banks of the Neister should be in the possession of the Turkish empire. With the conduct of Ministers he was perfectly satisfied, and he knew of nothing which could induce him to wish that they had acted otherwise than they had done; and a majority of the House having so often sanctioned their measures, he certainly should still give them his confidence and his vote. He warned gentlemen against expressing themselves so freely, if they really meant

meant well to the country; because whatever might be thought by any individual here, it was certainly improper to inform our enemies abroad, that the country refused their confidence to Ministers, or to insinuate that they were weak and wicked. At present, probabilities were greatly in favour of the pending negociations terminating fortunately in favour of this country; neither did he perceive how their progress could be dangerously obstructed, except by too unguarded, and, certainly, groundless, censures against the proceedings of Administration.

Lord Fielding.

Lord *Fielding* believed that there never was an Administration who, if all their measures were considered, had so little title to confidence as the present, who, upon all important occasions, had withheld from the House, and the country, every point which could explain their measures, or satisfy the people. In November last they had demanded that an augmentation of ten sail of the line should be made to the ordinary peace establishment, without stating any cause; and since that time, they had made an addition of six sail of the line, without giving any one reason for their conduct.

Sir James St Clair Erskine.

Sir *J. St Clair Erskine* observed, that nothing could be more unconstitutional and alarming, than the established position of Ministers and their friends, that the House of Commons had no right whatever to know the grounds upon which an armament was to be prepared, and additional burdens laid upon the people to defray the expence of it. Before any gentleman could vote away the money of his constituents, upon confidence in Ministers, and such vague reasoning as they had from the other side of the House, they must give up every duty to their constituents, or inclination to attend to their interests. A very nice distinction was attempted to be drawn by some gentlemen between an armed negociation and a war; for his part, he considered an armament like the present much more likely to produce war than peace; but they had gone farther, and said, that the side of the House on which he stood wished to infringe upon the prerogative of the Crown, because they called for explanation, pending a negociation; now he contended, that it was not only right, but perfectly consistent and constitutional, for the House of Commons to know what occasioned this armed negociation, before they agreed to support its consequences; and if this were denied them, and implicit confidence in Ministers insisted upon, he must think that all duty to constituents was overlooked, and nothing remained of the privileges which the House of Commons had always boasted that they possessed, by never voting away the money of the people, without a good and solid reason why, but an empty name; and not the least shadow of either right, privilege, power, or authority

remained. The friends of Adminiſtration claimed confidence for an armament, and if they obtained that, certainly thoſe who encouraged them to arm could not oppoſe their going to war; and by theſe means, the Houſe, without any information whatever, was to be duped, firſt to ſupport an armed negociation; next, moſt probably, a war; and then bound to defray the expences with their conſtituents' money, all upon implicit confidence, and becauſe aſking for explanation, during a negociation, was thought by Miniſters to be infringing on the Royal prerogative. As to foreign alliances in general, nothing had been ſaid againſt them on that ſide of the Houſe, but that the propriety or impropriety of contracting, depended entirely upon their nature and extent, and a great difference lay between treaties formed on ſchemes of ſpeculation and raſh ambition, and thoſe entered into for the defence of the country, or its allies, and other purpoſes that may promote its intereſts and proſperity. If it were poſſible that the arguments uſed by the honourable and learned gentleman who ſpoke lately, and all others on that ſide of the Houſe, could have any effect, there was an end to all the beſt principles of the conſtitution, and a total deſertion of every true and honeſt argument which had ever been uſed in defence or ſupport of that conſtitution, which our anceſtors and, he yet truſted, we gloried in poſſeſſing. The honourable and learned gentleman thought that the King of England ſhould always negociate with the ſword at his ſide.—Whether this was the moſt moderate, plauſible, and leaſt burdenſome way of ſecuring peace to the nation, he would leave to the Houſe to determine. But, the meaning of all the arguments uſed by the Miniſter's friends on this point ſeemed to be, in the firſt place, a blind and implicit confidence; in the next, an idea that we ought to follow Miniſters in all their wild proſpects, whatever they might be; and laſtly, that we are to be arbiters to all Europe, and dictate to every nation our own terms. If ſuch was the idea of negociating, with a view to preſerve the general tranquillity of Europe, he hoped that the Houſe would reſolve to abandon it at once, and act more rationally and more conſtitutionally. The Houſe had been told, what he thought was ſtill a greater and more important breach of their privileges, that withholding the ſupplies to carry on an armed negociation, though no grounds were ſtated to eſtabliſh the neceſſity of it, was infringing upon the prerogative of the Crown. In this mode of arguing, he aſſerted, that all the privileges and authority of Parliament were demanded to be ſacrificed to the Crown, and by preventing them from interfering when they had the power to do it, any attempt afterwards muſt be unſucceſsful. He compared the ſituation in which the Houſe of Commons

was placed to the Lion in the fable, who having paid his addresses to a young woman, her father advised him to have his teeth drawn and his nails paired, that he might be the more acceptable to his favourite; the lion consented, and having submitted to the operation, found himself incapable to obtain the object of his wishes, because he was deprived of all power to bring the father to consent. As to precedents, none had been, or could be mentioned, which were applicable to the present question. Since the accession of the Brunswick Family to the Throne, there never was an instance of any armament which concerned the British interests, or any supply to defray the expence of arming being asked, without previously communicating to Parliament the causes for it; and all messages from the Crown upon such occasions, had stated specifically the grounds upon which application was made to the Parliament. He approved of defensive alliances, without admitting that by entering into a defensive alliance, we were bound to interfere in all the quarrels of our allies. It was no solecism in politics to advance, that our entering into defensive alliances with every state in the world, could not be productive of any harm. He could not conceive, except we had absolutely made an offensive treaty with Prussia, that there existed any right to call upon us now to go to war with Russia; but, according to the doctrine of confidence, whatever the treaty was, the House of Commons were neither to read it nor understand it, but must take it upon the word of the Minister, that there was a treaty out of which a system arose, which obliged us to support Prussia, to prevent the aggrandizement of Russia. He considered Oczakow as only a small indemnification to Russia for the blood and treasure which she had lost in a tedious and expensive war, and thought the demand, on our part, that she should relinquish that conquest, as unreasonable as unjust, especially when all the world believed, that the war between Russia and the Porte was instigated entirely by us and the King of Prussia. He then adverted to the growing prosperity of France, and the commercial benefits that other countries would gain, when we were deprived of the Russian trade, and he did not altogether submit to the argument, that we were to be equally well supplied with naval stores from Poland, by commanding the navigation of the Neister. Our Russian trade he considered as of great consequence, and putting 600 ships, and their crews, out of employment, was an object worthy of serious attention; the conduct of Russia, and her demands, as far as they were known, seemed to be dictated by unexampled moderation, while ours exhibited directly the reverse; and he must insist that the barriers of the constitution were broken down, and this country degraded in the eyes of all Europe, when they

were told that it did not become the House of Commons to appoint a Committee to examine the finances of the country, or to make any inquiry into the conduct of a weak or wicked Administration, lest other countries should know that weakness, and take advantage of it.

Mr. James Murray
Murray.

Mr. *James Murray* disagreed with those who argued against foreign alliances. He was doubtful whether an alliance with Poland might not be as beneficial to this country, as an alliance with Russia. He said that Oczakow commanded the navigation of the Dnieper, being only two miles distant, though it had been otherwise stated by some gentlemen; he seemed to think that the question was argued as if Poland was in the possession of Russia, which was not the case; and he next stated some particulars relative to the partition treaty settled at the well-known interview between the late Emperor and the Empress of Russia.

Earl of Wycombe.

The Earl of *Wycombe* deprecated the war which was likely to take place against Russia, as well as the mysterious and contemptuous silence which the Minister screened himself under, and the unwarrantable evasion of every kind of explanation upon a subject of so great magnitude. The opinion which he expressed was not merely his own; for he would assert and maintain, that the opinion of the Minister's conduct, and the unhappy state of the nation without doors, was precisely the same. While we pretended to be so anxious concerning the balance of power, and were taking such extraordinary steps to preserve it, it would not be amiss were we to pay some attention to our commercial interests at home, lest for one article, during our ill-conducted and madly extravagant armed negociation, we should see the Russian trade carried on in American bottoms, and ships of other nations, while ours, which brought in a very large revenue to the country, and was a good nursery for seamen, were entirely unemployed.

Mr. L. A. Grant.

Mr. *L. A. Grant* contended, that the measures of Administration, so far from being, as was groundlessly and injuriously insinuated, either weak or wicked, were upright and successful; and that, surely, the good opinion of the country, which had attended them, entitled them to the fullest confidence, which, he hoped, they would have; and if a war should be the consequence of the present negociation, which seemed to be what gentlemen on the other side most dreaded, he avowed that it was not occasioned by the conduct of Administration, but by the opposition which had been made upon this occasion; and the present motion he considered in no other light than tending to impede and embarrass the measures of Government, without any solid or substantial ground for that opposition. He was not, perhaps, entitled to argue from

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his own experience, but the conduct of Administration, ten or twelve years ago, was such as, he hoped, no future Administration would ever adopt. It was then the practice for Ministers to come to Parliament on the beginning of every important transaction, and get their sanction to proceed in it, so that they not only shifted the responsibility from their own shoulders, but whatever might be the consequence of their measures, they brought in the sanction of Parliament as accessary to their misconduct, arguing that they asked for advice, and had received it. He disapproved much of that opposition which gave improper information and advantage to our enemies, and contrasted former Administrations with the present, which had his hearty support. He disliked coming forward with general principles upon any particular question, and he believed that they were introduced for the purpose of displaying oratory, more than convincing by argument. With regard to the armament, they had only to consider whether the existing circumstances warranted it or not; and unless gentlemen were previously determined to oppose whatever the Minister did, he thought the presumptive opinion was, that he, having the best knowledge of their circumstances, had acted right, and was entitled to the confidence of the House and the country. He would consider the question in three distinct points — justice, expediency, and policy, upon all of which, if it were not trespassing on the patience of the House, he would say a few words, and to free his observations from all heterogeneous matter, when he came to consider the justice of the war, he should be obliged to call the attention of gentlemen to the history of Russia for some time back, and he could prove, that in the war between her and the Porte, she was the aggressor. From the arguments of some gentlemen, there seemed to be a political partiality for Russia, which he did not think she merited; and here he introduced the armed neutrality, the attack upon the Turks, and other matters relative to the conduct of Russia. He ascribed the origin of the present war between Russia and the Porte, to the interview between the late Emperor and the Empress, which was for the express purpose of dividing Turkey between them. He contended that Russia had often broken the treaties we had made with her, and instanced that of 1766, which gave a preference to our woollen manufactures over those of Silesia. This she had disregarded and broken; and she had been guilty of similar violations of all treaties which related to our trade, by favouring other countries, in defiance of treaties which she had entered into with us. Mr. Grant went into a minute detail of the trade between Russia and Great Britain, stating, as he proceeded, its advantages and disadvantages to this country, and deducing from

from it arguments in ſupport of the juſtice of the war. He then came to the expediency. Oczakow, he thought, ſhould not remain in the poſſeſſion of Ruſſia: he conſidered, that the aggrandiſement of Ruſſia, to ſuch an extent as might deſtroy the Ottoman empire, was highly dangerous to the balance of power in Europe; and he believed that the trade with Turkey might be ſo improved, as to become of greater conſequence than that with Ruſſia now was, however highly gentlemen might value it; and the trade which was now divided between two countries, might be carried on by one. He averred, that the oppoſition now made to the meaſures of Government, would, in the reſult, tend to eſtabliſh a monopoly againſt us of all thoſe articles which we had ſuch immediate occaſion for.

Mr. Windham

Mr. *Windham* declared, that it excited his aſtoniſhment that the Miniſter, who had been ſo repeatedly called upon, ſhould not have thought proper to riſe and ſtate to the Houſe how this war came to be either neceſſary or expedient. Certainly, the Houſe of Commons had a right to call for explanation before they expoſed their country to the ruinous calamities of war. What principally made him riſe now, was the extravagant and extraordinary doctrine which the Miniſter's friends wiſhed to preſs upon the country; they had before gone a great length upon confidence, but now, their arguments went to deprive the Houſe entirely of their deliberative capacity upon matters of the moſt important magnitude to the intereſts of the nation. In ſhort, their ſyſtem was nothing leſs than a bold and alarming attempt to annihilate every right and privilege of the Houſe; and this ſort of reaſoning they had been driven to, and aſſumed in diſtreſs and deſpair, when all their other fallacies had failed them, and in lieu of thoſe monſtrous defences, which they had been obliged to make for their monſtrous conduct. The idea of prerogative was very high, indeed, with thoſe gentlemen, when they declared that the power of the Commons to ſtop the ſupplies was an infringement upon the King's prerogative to make peace and war, two points as diſtinct as any two could be. They were two diſtinctly different powers veſted in two diſtinctly different bodies. After dwelling upon this part of his argument, Mr. Windham next mentioned that degree of confidence, which had been urged with ſuch intemperate zeal by all the Miniſter's friends, confidence in individuals was a ſubject into which he would not go; but the neceſſary confidence in the executive Government, he was as much a friend to as any man; however, he could not carry that confidence ſo far as to ſay, that the country ought to proceed to war upon a ſecret article of a treaty, which no perſon knew of or underſtood, except the Miniſter of the Crown.

Crown. The Minifter's friends had ventured too far on this point, for, they had been obliged to deny what on a former night they had laid great ftrefs upon. Their fyftems of alliance certainly ought to be looked into, that we might know whether any thing like good faith was part of it, and to find out this, he would go to the inmoft receffes of the Cabinet. As to the war, the country had decided againft it long fince: it was no fudden war, for it had already lafted more than three years, and certainly, though there might be fome who feldom troubled themfelves with looking into foreign affairs, it was our bufinefs to underftand it, and determine what connection it had with the Britifh interefts long ere now. He remarked on the effect which the arrogance of our demands was likely to produce on the lofty fpirit of the Emprefs, and on the plain proofs of the Minifter's incapacity to manage foreign alliances. War was a queftion of great importance to the lives of thoufands, and no man or member of an affembly, who decided on it rafhly, could think himfelf free from guilt. The general fenfe of the country was againft this war, and the manufacturers in many places, and particularly in the city of Norwich, were much alarmed, left the profecution of it fhould bring irretrievable ruin down upon their commerce.

Mr. W. Grant.

Mr. *W. Grant* remarked, that the conftitution had wifely committed all negociations with foreign powers to the Crown; that the cafe was precifely the fame with refpect to an armed and unarmed negociation; and that if the Houfe were to interfere in negociations with foreign powers, they ought to take them wholly into their own hands, becaufe their interference would render them impracticable by the Minifters of the Crown. The neceffary confequences of negociations in the hands of numerous bodies, from the popular Affemblies of Athens to the Polifh Diet, ever had been, and ever would be, the publication of what ought to remain fecret, intrigues, diffentions, cabals, and the interpofition of foreign influence. As the functions of Government were now exercifed in all the political contefts in Parliament, it was never once imagined that any foreign influence was felt; but in the reign of Charles II. when the Houfe of Commons, from a well-founded jealoufy of the Crown, interfered more than it ought to have done, in negociations with foreign powers, foreign influence prevailed in proportion to the extent of the interference. The confidence which the Houfe was called upon to give, was not a confidence in any particular perfon, but a conftitutional confidence in the Minifter. It had been ftated, that when the Houfe was called upon to vote money, the hour of inquiry commenced: but the affertion was not true either in principle or in fact. It was often neceffary to vote

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money without a particular inquiry into the circumstances on which the vote was founded, and, before the recess, the House had actually voted an additional number of seamen to the ordinary peace establishment, on a bare declaration that the circumstances of Europe made it necessary, and without inquiry or dissent. It had also been said, that there was no instance of an application to the House by the Crown for money, without an explanation of the purposes to which it was to be applied. There was at least one instance in 1717, when the King sent a message to Parliament, stating, in general terms, that he was carrying on negociations, and a supply was voted, without a division, to enable his Majesty to give effect to those negociations. It was not likely that his Majesty's Ministers were ignorant of the constitution, or that a family but recently called to the throne, would attempt any thing contrary to the usual practice.

Mr. Pitt.

Mr. Chancellor *Pitt* declared, that notwithstanding the many calls which had been made upon him, and the many harsh epithets which had been applied to his silence, his sense of the duty which he owed to his Sovereign and his country, should still remain the rule of his conduct. He meant to enter into no details of the pending negociations, into no explanations inconsistent with his official duty, but to state such general considerations as, in his opinion, ought to guide the conduct of the House. No man who did not believe, whether with or without reason, that he was capable of wilfully deceiving the House, would suspect that he wished to keep back any information which it was proper to give, or that he was less alive than any Member of the House to the consequences which the decision of peace or war involved within it. There was nothing in the system of Government since he had been honoured with a place in his Majesty's councils, which did not shew that, as far as personal considerations went, he had as much to lose, both in fame and character, by involving the country unnecessarily in a war, and interrupting its growing prosperity; but he should ill deserve the situation which he held, were he capable, on that account, of avoiding to look fairly at the general situation of the country with respect to foreign powers, and consulting his present ease and convenience, at the risk of great danger to the nation at some future period. What was then the nature of the question, and what the circumstances not before in discussion? Government was not calling on the House to proceed or follow up the address on his Majesty's Message with any further vote; but those who moved and supported the Resolutions, were calling upon them to retract the address which they had voted. He did not mean to say that they ought not to retract, if they thought that they had fallen into an error;

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but they ought to do it with simplicity and candour; which the Resolutions, if voted, would not do, for they did not rescind the address. They only fettered the executive power in a particular instance, by declaring a general position; and they did that obliquely, and by halves, which ought to be done fully and directly, if done for any sound purpose. The first ground of argument in support of these resolutions was, that the House must not pledge their constituents to support a war without a distinct view of the cause. But, was the Address voted without any explanation? Certainly not. His Majesty's Message expresly stated, that an armament was necessary to give effect to the negociations in which he was engaged, for laying the foundations of a solid and lasting peace, and to have stated the particulars of those negociations would have been to defeat them. But the House was not pledged to engage in a war without farther explanation, as had been argued on the other side. Had it been said, that the negociations have failed, and his Majesty's Ministers have advised a declaration of war in confidence of the support of the Commons, promised in the address, those who now contended that it pledged the House to war, would have been the first to affirm that it did not. The House would give confidence to the servants of the Crown pending the negociations, but that was substantially different from pledging their constituents to support a war, should their negociation prove unsuccessful. In a negociation, the most material particulars could not be stated; but, the cause of war was definite, and could easily be explained; and therefore the House was never understood to be pledged to it till that explanation was given; nor were the supplies ever called for without it. Messages similar to the present, demanding supplies to strengthen the hands of the King, had often been sent. If the ground of the present addition to the naval force arose clearly out of the treaty of alliance with Prussia, it could be clearly and easily stated; but reasons of expediency arising from a combination of various views and circumstances, which he formerly explained to be the reasons, could not be stated safely. The House, on the confidence reposed in Ministers, had admitted the expediency of an armament, and voted an address, but whether war or peace should be the result of that armament, and he desired to be understood as giving no assurance either way, they were not pledged to support a war; they had not given up their judgement on the case when it came before them; they might withhold the supplies, and call the Ministers to account for the advice they had given. That which was a sufficient cause for an armament, might not be a sufficient cause for a war; and those who contended that supplies for an armament ought not to be voted without a particular explanation,

planation, must give up the principle on which they had voted an additional number of seamen; and the principle on which a right honourable gentleman, Mr. Fox, had said when an addition of troops for the defence of the West Indies was proposed, that if the addition was meant to be permanent, he would oppose it; but that if any of his Majesty's Ministers would say, that there were circumstances which made it necessary for a year, he would agree to it. No gentleman on his side of the House had denied the right of refusing the supplies; but argued only, that to grant them without explanation, was in the discretion of the House. If gentlemen meant to contend that there ought never to be an armed negociation without all the reasons of it being first submitted to the House, they ought to say so at once; the negociation would then rest wholly with the House; and they ought to call for all the papers, and other information, relating to it, instead of putting questions to men in office. Of this gentlemen seemed to be aware, and therefore they disavowed the principle while they adopted the practice, and by calling on the House to assert their privileges, wished to weaken their very privileges, and injure the country by a line of conduct which was neither constitutional, nor, if constitutional, con[illegible]. Were these the friends of the rights of the House who [illegible] them to retract what they had done indirectly, without avowing their error, and to say that the country should give up all the possible benefits of negociation, without examining the papers on which alone a judgment could be formed of its nature and result. Admitting, for the sake of argument, that the demands of Russia were to retain Oczakow and the barren country between the Bog and the Neister, which whether they were or not, Ministers could not state, what security could any of those give who stated them to be so, that if we were to disarm, Russia would not rise in her demands? "Let Russia take all her conquests, let her push "them to the extremity, and drive the Turks out of Europe, "we have no interest in it." To those who could maintain such a proposition, he would not argue. By our defensive system, we were bound, not by any stipulation of treaty, but obvious interest, to take care that Prussia, our ally, should not be rendered insufficient, by the aggrandizement of any other power, to afford us that aid which we expected; in like manner was Prussia bound to us, and accordingly, had assisted us in 1787, in wresting Holland from France. Our joint right to interfere in the present, or any other instance, to prevent either of the parties from being rendered less secure, was the same which justified the interference of a single state, and which warranted our interference in Holland. The principle was therefore just, whatever might be the po-

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licy. Concerning the policy, it was impossible to enter into a detail, on account of the negociation. But if Russia were to be rendered more powerful, and the Turks more weak, so that the former would be in less danger of attack than heretofore, then would Prussia become less secure against an attack from Russia, and consequently less able to contribute to the security of the allies. When gentlemen talked of the balance of power, they did not attempt to say that it ought not to be attended to, but that it ought to be in abeyance till, by some fortunate conjuncture, it was put under the direction of their own great talents. In the debate on the commercial treaty, he recollected that the righ honourable gentleman (Mr. Fox), who was represented by his friends as the only hand capable of poising it, had stated warmly, as an objection to that treaty, that by allaying the jealousy and animosity which had subsisted for so many years between our merchants and those of France, we should be daily less and less on our guard against the designs of that intriguing nation, and the balance of power would be lost; and now attempts were made to weaken the principle which then was thought of so much importance. It was true, that if pushed too far, it might be dangerous. It was also true, that two or more powers in defensive alliance, might either of them be exposed to war, when they would not have been so exposed, had no such alliance existed; but it was equally true, and that was the principle for which he contended, that they would each be more secure, and each less exposed to wars on the whole, and consequently incur less expence of blood and treasure in defence. —It was argued that repeated assurances had been given to Parliament from the throne, after the places in dispute were taken by Russia, that there was no danger of this country being involved in the war. The only inference from this was that Ministers did not then see that the events of war would ultimately make the interposition of this country necessary; nor could it be contended, that because a place was taken, it necessarily followed that no steps should be pursued during the course of a war, to compel the restoration of that place, as the price of peace.

Mr. Fox. Mr. *Fox* remarked, that so long as he retained a regard for the constitution, a zealous attachment to the welfare of the people, and a true sense of his duty to the House, he should rise for the purpose of resisting such strangely unwarrantable doctrines as those which had been advanced on a question of the highest political and constitutional importance, involving no less than, whether this was a mixed Government, or whether the whole power of it was vested in the King. If it was such as the friends of the Minister had contended, the House had given up all its deliberative, and reserved only its

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inquisitorial power; and the Members, instead of meeting day after day, had much better appoint one day in the year for a general inquest, and give the Minister implicit confidence for the rest. They had been asked, if they would take the whole negociation into their own hands. They had never pretended that they would. There was a clear distinction between the object of a negociation, and the means employed to obtain it. Of the former, they claimed an indisputable right to judge, and the latter they confided to the executive power. He was not fond of stating general propositions, without any exception; but he could hardly conceive a case in which the King might arm at the expence of the people, without informing them of the object. In the case of Spain, which was an armament to give weight to negociation, the object was clearly and distinctly stated. Here, in spight of its general notoriety, is was studiously endeavoured to be concealed. It was the prerogative of the Crown to make war, but a prerogative not to be trusted for a moment, without the corrective—the right of the Commons to refuse the supplies. Ministers now came to the House, and demanded money without any explanation, so that what was admitted to be the undoubted right of the House, was to be exercised without knowledge, and consequently without judgement; but with regard to the exercise of the King's prerogative, the declaring of war, they were to have every possible information. Of the personal or ministerial confidence, of which gentlemen had talked so much, the right honourable gentleman (the Chancellor of the Exchequer) had no title to either. He had given proofs of incapacity, and he had deceived the House. The constitution knew no such thing as confidence. The King's right to declare war, and the right of the House to withhold supplies, were both absolute. He would give confidence for an armament for a short time, and that for the purpose of defence only; and when he agreed to keeping in commission an additional number of ships, on being told that the state of Europe required it, he should have spurned at the idea, had he been apprised that they were kept up for the purpose of offence. In the present case, too much was disclosed for confidence, and too little for conviction. If the armament was formed on the most absurd grounds, as he and all the country believed it was, he should be glad to hear from those who talked of responsibility as the guardian of confidence, how an article of impeachment could be drawn against the Minister for bringing down a message from the King, and moving an address. On the declaration of war, he would take the opinion of the House; and as he was not impeachable in the one case, he would be screened by the concurrence of the House in the other. He would say, how

is that criminal in me which you agreed to ſupport? The Houſe, not a fortnight ſince, had raſhly promiſed to ſupport an armament; in other words, an armament whenever His Majeſty's Miniſter ſhould think proper, and they were told that any propoſition to undo what they had done, was too late, unleſs the Miniſter came again to demand the ſupplies. The reſolution, the friends of the Miniſter objected, was meant to put an end to the war. Undoubtedly it was, though it was rather ſingular that they ſhould own this, when they knew that it was only an inquiry into the expediency of it. It was, indeed, a bad ſign, when the advocates of a meaſure were compelled to allow, that to enquire into the expediency, and to put an end to it, were one and the ſame thing. They ſaid the Houſe muſt enquire into the whole of the negociation, or into no part of it; but to what purpoſe examine the means, when even the object was withholden? This could not be diſcloſed to the Public, pending the negociation, and in the mean time the public money was ſpent, in purſuit of an object of which the Public had no knowledge. To admit a caſe, for the ſake of argument, when all the world knew that the caſe admitted was the real caſe, was a ſolemn farce; a miſerable attempt to deceive — On what principle were five hundred and fifty eight gentlemen, becauſe they happened to be aſſembled in a Houſe of Parliament, to pretend ignorance of what all the foreign gazettes, and all the memorials, could inform them of, of what was known beyond diſpute two months ago, that the Empreſs demanded, of all her conqueſts, to retain only the fortreſs of Oczakow, and the country from the Bog to the Neiſter? That the moderation of this demand aroſe from our armament, was completely and morally impoſſible, for it had been made before the armament was heard of. With regard to what ſhe might demand, were we to diſarm, there was only one argument to which he could not reply, and Miniſters ſhould not tell him that they had uſed her ſo ill, that ſhe would liſten to no terms whatſoever. If we ſent a fleet into the Baltic, alarmed and inſulted her coaſts, which was all, he believed, we could do; if we ſhewed our teeth, and our inclination to do miſchief, then, indeed, ſhe might probably be provoked to depart from the moderation of her firſt demand. If the Houſe deſired to know the object before they gave away money, he thought they would act neither unconſtitutionally, nor with any improper degree of ſuſpicion; if they rejected this doctrine, they betrayed the intereſt of their conſtituents, and declared themſelves incapable of judging of the propriety of voting away their money. The right honourable gentleman, under the plea of State ſecreſy, had brought forward the worſt poſſible excuſe for hold-

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ing his tongue, to save him from exposing the most unjustifiable conduct. His defensive system was wicked and absurd—that every country, which appeared, from whatever cause, to be growing great, should be attacked; that all the powers of Europe should be confined to the same precise situation in which this defensive system found them. If this was a defensive, he should be glad to hear what was an offensive system. The family compact, so justly reprobated, because the contracting parties engaged to assist one another, at all events, whether the quarrel was just or unjust, never carried its presumption so far as this defensive system. According to this system, were any nation to acquire territories in Asia, from which revenue could be derived, that would be a sufficient cause for war; if any country, in any shape, became more strong at home, and consequently more secure abroad, the allies, under this defensive system, must instantly make war against it, and reduce it to its former state of misery at home, and imbecility abroad. A principle so diabolical as this he never expected to be [illegible] in a civilized Assembly. He had said, that what was a ground for armament, was not a ground for war. What! were we converted into a mere bully as a nation, to enforce our insolent propositions by arms, and if they were firmly resisted, to recede from them? Nothing could justify an armament, which could not justify a war; for, the nation that was once discovered to have armed in bravado, would find [illegible] to her armaments again. He had been a strenuous advocate for the balance of power, while France was that intriguing, restless nation which she had formerly proved. Now, that the situation of France was altered, that she had erected a Government, from which neither insult nor injustice was to be dreaded by her neighbours, he was extremely indifferent concerning the balance of power, and should continue so till he saw some other nations combine the same power with the same principles of government. His idea of this balance was, that every State was not to be kept in its precise old situation, but to prevent any one from obtaining such an ascendancy as to be dangerous to the rest. No man could say that Russia was the successor of France in this respect. Her extent of territory, scanty revenue, and thin population, made her power by no means formidable to us; a power whom we could neither attack, nor be attacked by; and this was the power against whom we were going to war. Overturning the Ottoman empire, he conceived to be an argument of no weight. The event was not probable, and if it should happen, it was more likely to be of advantage than injurious to us. If we wished to retain the good wishes of our Dutch allies, we should be careful of engaging them in ruinous wars; for, the aversion to,

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and deteſtation of, this war, was greater in Holland than in England. Now, ſaid the Miniſter's friends, if war enſues, we may thank the ſpeeches of the Minority. He had long been callous to this ſort of abuſe; but if this was their opinion, they ought to prorogue the Parliament; for it was impoſſible for him to ſit in it, and not ſpeak his honeſt ſentiments on a queſtion which ſo nearly concerned the public intereſt. But he believed there would be no war: the Empreſs would either be compelled to give up Oczakow, or, what was much more probable, the Miniſter, after all his bullying and bluſtering, would recede from all his arrogant demands, and we ſhould have nothing in return for an expence of perhaps half a million, but the ſhame of having interfered where we had no right to interfere, and the diſgrace of having completely failed. To what a ſtate were we reduced, when this was the foundation of our hopes; and when to be baffled and diſgraced in the eyes of Europe was an object of ardent expectation! Mr. Fox, in the courſe of his ſpeech, charged the Miniſter with inſolence, arrogance, incapacity, and wilful impoſition on the Houſe of Commons, in the conduct of foreign affairs, and dared him to the proof. The confidence, he ſaid, that there would be no war, that he durſt not go to war, was the only tie which kept his majority about him. He entered into a compariſon of the preſent ſtate of France with its former condition, both as it reſpected the politics of Europe, and the happineſs of the people, for the purpoſe of ſhewing that thoſe who deteſted the principles of the Revolution, had reaſon to rejoice in its effects.

The Houſe divided on the previous queſtion;

Ayes, 162; Noes, 254. Majority, 92.

The Houſe adjourned.

Monday, 18th April.

Mr. Wilberforce.

Mr. *Wilberforce* riſing, obſerved, that although he ſhould not preſume to determine what, upon the preſent occaſion were the emotions and ſentiments of others, he could ſincerely anſwer for himſelf that when he conſidered the infinite importance, and the vaſt extent of the ſubject which they were preparing to diſcuſs, when he took a view of the prodigious maſs of information they had before them, he was prompted, both for his own ſake, and that of the Houſe, to requeſt ſome farther time for preparation; he waved this idea, however, in compliment to the gentlemen moſt concerned in point of intereſt, who had expreſſed themſelves ſtrongly againſt another adjournment. He had alſo been in ſome degree influenced by a regard to what he underſtood to be their wiſhes, in determining to bring forward the buſineſs in the ſhape of a general motion, rather than in that of the propoſitions which had

had been laid before the House in the last Parliament; but these propositions, though not formally before them, would serve as a clue to direct the course of their inquiry.

Meaning to confine himself within the leading topics, he trusted that gentlemen would argue the matter with him point by point, being sure that the more distinct and complete the discussion proved, the more clearly and irrefragably it would appear that truth and reason were on his side. He had long looked forward, he owned, to this day, with some degree of impatience, as what would afford him the opportunity of dispelling the prejudices, and correcting the misrepresentations which had gone forth; but besides that, he had always felt that this was the properest time and place for him to meet them, and to convince the world that in undertaking and persisting in his present pursuit, he had not been influenced by any unworthy feelings of a personal nature, he had also been determined to remain silent from another consideration: for, though he had been sometimes a little roughly handled by anonymous assailants, it was a tribute of justice he gladly paid to some of those gentlemen, by whom he had been most strenuously opposed both on this and the other side of the Atlantic, to acknowledge that he had been treated by them with the utmost candour and liberality: these were proofs of the liberality of their minds, and highly gratifying to his own feelings; he trusted also that he might draw from them a good omen to his cause, and derive a hope that, in the issue, they might all rejoice together in the happiness which would result from the success of it. In the same manner, he wished to discuss the subject, frankly indeed, but with fairness and moderation; he called on the House to do the same, and flattered himself that the present debate, instead of exciting asperity and confirming prejudice, would tend to produce a general conviction of the truth of what, in fact, was incontrovertible, that the abolition of the slave trade was indispensably required of them, not only by religion and morality, but by every principle of sound policy. On the present occasion, he could not avoid earnestly imploring the House to favour him with its most serious attention on the most important question, on which a House of Commons had ever been called on to decide.

The first point to which he wished to direct the attention of the Committee, was the manner in which the slaves were obtained on the coast of Africa. In order to be convinced of the truth of all his allegations on this head, it would be merely necessary to apply unquestionable principles of general reasoning to the particular circumstances of the case before them. That vast country was divided into various communities of different sizes, some governed by kings,

kings more or less absolute, others, and those the greater number, by elders. Their state of civilization was in general very imperfect, their notions of morality extremely rude, and the powers of their governments ill defined: it was natural, therefore, to imagine, that when the kings or chieftains should be tempted by the pressing solicitations of appetite to acts of injustice or oppression, they would not be slow to the commission of them; and temptations of this kind were continually thrown in their way, by the European traders; the effects of these were to be traced in every species of fraud and violence, whilst they, who ought to have been the guardians and protectors, were thus made the ravagers of their country. The same causes might be expected to produce the same consequences throughout the whole society; the seeds of disunion and disorder would every where be sown, every man would dread in a neighbour to meet with an enemy, and distrust and insecurity would universally prevail; the fountain of justice also would be poisoned, and changed into a source of oppression. These speculations, founded on the principles of human nature, and verified by the experience of all ages, accorded in all respects with the most authentic accounts which had heretofore been published, of the Continent of Africa, which were now confirmed by testimonies of the most unexceptionable nature. He begged the Committee would advert to the characters, situations, and means of information, of the witnesses, to whom he was now alluding: they were of various descriptions, some of them officers in his Majesty's service; others, men of science, who had visited the country from motives of curiosity; others again, who had themselves been concerned in the slave trade, and whose prejudices might have been supposed to run in favour of its continuance, several of them had possessed the most ample opportunities of intelligence; some had been many hundred miles up the rivers into the interior country. The testimony of these witnesses embraced the whole of that vast extent of country to which we resorted for the purchase of slaves and from one end of it to the other, it established, beyond contradiction, the existence of those acts of fraud, oppression, rapine, and murder, which he had charged on the slave trade.

To begin with the river Senegal, the northern extremity of the district referred to, Captain Wilson and Captain Hills of His Majesty's navy, and Mr. Dalrymple of the land service, being at the island of Goree, had an opportunity of making observations in that quarter. On the arrival of the slave ships, armed parties were regularly sent out in the evening, who scoured the neighbouring country, and brought in their prey in the night; these wretched victims were to be seen in the

the morning bound back to back in the huts on the shore, whence they were conveyed, tied hand and foot, on board the slave ships. The object of these ravages, if it had wanted any confirmation, was established beyond a doubt by this circumstance, that when the slave trade was stopped, the expeditions also ceased. Mr. Kiernan spoke of the constant depredations committed by the Moors, of which, as well as of such expeditions as had been mentioned by Captain Hills, the Committee heard also from Mr. Wadstrom, who had noted down, at the time, the transactions of every day in a journal which he had produced before the Committee, and whose curious and interesting relation, he could not doubt, had attracted the attention of every gentleman who had looked into the evidence: and these ravages, excited by presents of brandy, gunpowder, and such other incentives, and by the conditional promise of larger supplies, were not only carried on by one community against another, but the kings were stimulated to commit them in their own territories, on their own subjects; and, in one instance, a chieftain, who, in the moments of intoxication, could not resist the pressing calls of appetite, had expressed, in an interval of reason, a due sense of the enormity of his own proceedings, and had poured forth his reproaches on his Christian seducers. Abundant, likewise, were the instances of private rapine: individuals were kidnapped whilst in their fields and in their gardens; there was an universal feeling of distrust and apprehension: the natives never went any distance from home without being armed, and when asked the reason by Captain Wilson, pointed to a slave ship then lying within sight. These transactions might be paralleled by others of a sort exactly similar throughout every part of the slave coast; and he thought it perfectly unnecessary for him to trespass on the time and patience of gentlemen, by attempting to enumerate all occurrences of so atrocious a nature.

Pursuing their progress southward, they came to the Windward Coast; where, from the evidence of Lieutenant Story and Mr. Bowman, they would find all the fore-mentioned evils existing, if possible, in a still higher degree: they would see the remains of villages which had been burnt, whilst the fields of corn were still standing beside them, and every other trace of recent desolation. Here an agent was sent to establish a settlement in the interior country, and to send down to the ships such slaves as he might be able to obtain: the orders he received from his captain were a very model of conciseness and perspicuity; "he was to encourage the "chieftains, by brandy and gunpowder, to go to war, and "make slaves." He punctually performed his part, the chieftains were not backward in theirs; the neighbouring

villages were ransacked, being surrounded and set on fire in the night; their inhabitants were seized when making their escape, and being brought to the agent, were by him forwarded, men, women, and children, to his principal on the coast. Mr. How, a botanist, who, in the service of Government, visited that country with Captain Thompson, gave in evidence, that being at one of the subordinate settlements on the Gold Coast, on the arrival of an order for slaves from Cape Coast Castle, the native Chief immediately sent forth his armed parties, who, in the night, brought in a supply of all descriptions, and the necessary assortment was next day sent off, according to the order. But Mr. Wilberforce would not tire the attention of the Committee; the whole extent of the African coast furnished but one uniform detail of similar instances of barbarity. There would be no end of multiplying particular cases; he would, therefore, only mention one or two more, less for their own sakes, than for the conclusion that was to be drawn from them. When Captain Hills was in the river Gambia, happening accidentally to mention to a black pilot, who was in the boat with him, that he wanted a cabin boy, the pilot told him he would soon obtain him one; and accordingly, some youths being on the shore with vegetables to sell, he beckoned to them to come on board; at the same time, by winks and significant gestures, giving Captain Hills to understand that he might then take his choice: and when Captain Hills rejected the proposal with indignation, the pilot seemed perfectly at a loss to account for his warmth, and dryly observed, that the slave captains would not have been so scrupulous. There was however, another transaction which he must distinctly state, not only on account of its enormous magnitude, but also because it established, beyond all controversy, the frequency of those acts of rapine, which was the conclusion he had before referred to. When General Rooke, a respectable Member of that House, commanded in His Majesty's settlement at Goree, some of the subjects of a neighbouring king, with whom he was on terms of amity, came to pay him a friendly visit; there were from 100 to 150 of them, men, women, and children; all was gaiety and merriment; it was a scene to gladden the saddest, and to soften the hardest heart: but a slave captain, ever faithful to the interests of his employers, is not so soon thrown off his guard; with what astonishment would the Committee hear, that, in the midst of this festivity, it was proposed to General Rooke to seize the whole of this unsuspecting multitude, hurry them on board the ships, and carry them off to the West Indies. It was not merely one man, but three, who were bold enough to venture on such a proposal! Three English slave captains

preferred it as their joint request, alledging the precedent of a former Governor, who, in a similar case, had consented! If, in the annals of human wickedness, an instance of fouler treachery were to be found, Mr. Wilberforce was happy to be ignorant of it. But it was not on account of its magnitude that he wished to impress it on the Committee, so much as because it was a pregnant proof of the frequency of the acts of rapine he had before described; for, what must be the habits of the slave trade, what must have been the familiarity with scenes of depredation, produced on the minds of the slave captains, when three of them durst not only meditate within themselves, not only confer with one another, but bring into the light of day, and carry to a British officer of rank, a proposal which one would have thought too horrid to be allowed for a single moment, even in the deepest retirement, in the darkest recesses of the most depraved heart.—This would stand in the place of a thousand particular instances; this argued a foregone conclusion, and gave colour and credibility, if requisite, to every other act of violence stated in evidence before the Committee; he would, therefore, now confine himself to a proof or two of a circumstantial nature; a species of evidence which was frequently even more satisfactory than the most unexceptionable positive testimony. The Committee, perhaps, was not aware that the usual proportion of children on board the slave ships, on most parts of the coast, was one-third of the whole cargo, scarcely ever less than one-fourth: on the Gold Coast, the latter was the most ordinary proportion. It appeared from the evidence of one of their opponents' witnesses, who had resided there many years, that the only way in which children could be brought into that situation, was by whole families being sold when the principals were condemned for witchcraft, and at the same time it was said, that the number of persons convicted of this crime was extremely small, indeed, and that the younger part of a family, in these cases, was often spared, thus, every legal avenue by which these poor creatures could be brought into the clutches of the slave captains, was shut up by their opponents' own declarations; and irresistible confirmation was afforded to the positive testimony of the witnesses he had called, that in these very parts of the coast the kidnapping of children very generally prevailed. But it was not only by acts of outrage that these poor creatures were brought into bondage; every other possible mode was resorted to, and, in particular, the administration of justice was turned into an engine for that end: the smallest crimes were punished by a fine equal to the value of one or more slaves, which, if the party was unable to pay, he was himself to be sold into slavery. Crimes were fabricated,

bricated, false accusations and convictions were resorted to, and persons sometimes employed to seduce the unwary to th commission of rimes, with a view to the conviction and sal of the culprit. It was another effect of this trade, which he thought well worthy of being urged, that it corrupted the moral principle of those who carried it on, every possible fraud was put in practice to deceive the ignorance of the natives, by false weights and measures, adulterated commodities, and other impositions of a like sort: these were even acknowledged by many who had themselves practised them, in obedience to the orders of their superiors. He enlarged a little on this topic, and called on all who were interested, for the honour of the mercantile character, to renounce and put an end to a traffic, which, ever faithful to its own character, was as contemptible for its meanness, as it was hateful for its cruelty. It was a circumstance by no means to be omitted, though he had failed to observe it in its proper place, that the gentlemen of the West Indies acknowledged, with great candour, that slaves were often obtained in the unwarrantable modes he had mentioned; he quoted the declaration of the Jamaica Committee, That the African trade was no trade of theirs, and particularly specified Mr Ottley, whose name he could never mention but with respect, declaring that this was not the language of compliment, but the sincere sentiment of his heart; he hoped also that Governor Parry's letter, in which he spoke of the nefarious practice of the African trade, on which Mr. Wilberforce had enlarged on a former occasion, was still fresh in the memory of the Committee: but there was one authority of so respectable a description, that he should be highly wanting to his cause were he not to adduce it: it was the declaration of a gentleman of great ability and information, as well as of uncommon candour and liberality of mind; the Committee here would anticipate the name of Mr. Edwards: that gentleman, in a very eloquent speech delivered in the House of Assembly in Jamaica, against the propositions moved by Mr. Wilberforce in the last Parliament, frankly expressed himself in the following terms: "I am persuaded "that Mr. Wilberforce has been very rightly informed as to "the manner in which slaves are generally procured. The "intelligence I have collected from my own negroes, abun-"dantly confirms Mr. Wilberforce's account; and I have "not the smallest doubt, that in Africa, the effects of this "trade are precisely such as he represents them to be. Sir, "the whole, or the greatest part, of that immense continent "is a field of warfare and desolation; a wilderness, in which "the inhabitants are wolves towards each other. That "this scene of oppression, fraud, treachery, and blood, if

"not

"not originally occasioned, is in part, I will not say wholly,
"upholden by the slave trade, I dare not dispute. Every
"man in the sugar islands may be convinced that it is so,
"who will enquire of any African negroes, on their first
"arrival, concerning the circumstance of their captivity.
"The assertion that a great many of these are criminals and
"convicts, is mockery and insult."

Yet these things, however clearly proved by positive testimony, by the concession of opponents, by particular inference, by general reasoning, by the most authentic histories of Africa, by the experience of all countries and of all ages, these things, and even their possibility, were denied by many respectable persons, who have been brought forward on the present occasion, as evidence to support the continuance of the slave trade: they were chiefly persons who had been Governors of forts in Africa, or who had long commanded ships in the trade. So soon as he had known the description of the witnesses whom it was intended to call, Mr. Wilberforce had been prepared for the effects of much prejudice. It was natural to imagine persons would be prepossessed in favour of the commerce they had long carried on, and perhaps their fathers before them; but all his apprehensions on this head had been greatly surpassed by the testimony which they had given. He did not mean to impeach their private characters, but they certainly shewed themselves under the influence of such gross prejudices, as to render them incompetent judges of the subject they came forward to elucidate. They seemed, if he might so say, to be enveloped by a certain atmosphere of their own, and to see, as it were, through a kind of African medium; every object that met their eyes, came distorted and turned from its true direction. Even the declarations made by themselves, on other occasions, seemed wholly new and strange to them; they sometimes forgot not only what they had seen, but what they had said; and when to one of them his own testimony to the Privy Council was read, he mistook it for that of another gentleman, whose evidence he declared to be "the merest burlesque in the world." They altogether denied kidnapping or village breaking, or the false imputation of delinquencies. It was not merely that they declared that they had never been themselves engaged in practices of this nature, which Mr Wilberforce did not impute to them; they not only denied their actual existence, but their very possibility. It was curious to observe how this same habit, when once contracted, could stick by a man in another situation; and he was not sorry to have to exemplify it in the instance of a person, whose private character was, he believed, respectable. Mr. Barnes, since his return from Africa, had been engaged in the wine trade; and when examined

amined a few years ago on the subject of the Wine bill before the House, he made a declaration exactly parallel to what he has now said concerning the slave trade. "Will the "proposed bill tend in any degree to prevent the adulteration "of wine*?" "I do not see how it can, but with that I "am

* This passage gave occasion to the following correspondence

"SIR,

"IT was with much surprise I was informed, upon coming to town on Tuesday last, that in your speech, the preceding evening, upon the Slave Trade, you had treated my name with great severity, and I was the more astonished at it, as I was not conscious of having, in any one instance, provoked your resentment, having never intermeddled in that particular business, farther than when publicly called upon to give evidence either to the Privy Council or to Parliament. If that evidence was not satisfactory to you, I am sorry for it, I gave it fairly and honestly, not prejudiced by habits, for I have not been in the habit of trading for slaves, not biassed by interest, for I have no interest in the present question, nor had I any attachment, except that sacred attachment to truth, which no consideration would tempt me to depart from.

Had my evidence been either evasive, prevaricating, or contradictory, it would have deserved the severest animadversions, and I should justly have incurred the indignation of you and every other gentleman in the House, but in a very long and very fatiguing examination, where it was almost impossible to avoid confusion, had I attempted to deliver a fabricated testimony, I think I may safely challenge you to adduce a single answer, which I am not able to defend.

"I must, therefore, beg leave to submit to your feelings, as a gentleman, how far the heat of argument, and the honest zeal you have manifested, can justify to your own mind, insinuations against the fair fame of a man who has the satisfaction to have passed many years in various stations of life, with a character as yet unimpeached.

"I must intreat you will have the goodness to refer to my testimony, as taken down by the clerks, if, upon such reference, you find you have, through inadvertence or forgetfulness, applied my particular name to general descriptions of evidence, or stated as evidence of fact, what was delivered only as matter of opinion, or if you shall discover, that in the course of your speech, you have, from the causes above alluded to, either warped, mutilated, or misstated my evidence, so as to give it any other than the plain and obvious meaning, by which my reputation may be affected, and my veracity brought into question, I am convinced your good sense, the liberality of your mind, and your love of justice, will prompt you to take the earliest opportunity of acknowledging any inaccuracies, into which a laudable eagerness in a cause espoused from the most noble principles, may have betrayed you.

"In your speech upon this occasion, you were pleased to allude to my testimony on another, and as it appears in the newspapers, what I said on that subject, is so misstated, that (to say nothing of my moral turpitude) the grossest folly is imputed to me; I am charged with having said that I had never *heard* of such a thing as the adulteration of wine.

" am unacquainted, as I know nothing of the adulteration
" of wine."——" I know nothing of kidnapping."——" I
" know nothing of the adulteration of wine."

But

wine. Reflections on my understanding I can easily submit to, but when they are adduced as a proof of the laxity of my morals, I confess I feel the imputation with no small degree of pungency.

" I beg you will consider this letter as an appeal to your feelings, from a man who regards a reflection upon his character, uncontradicted, unattoned for, as the greatest misfortune he could labour under, a misfortune which is aggravated by a consideration that the attack comes not from the levity of an idle declaimer, but from the gravity of a Senator, distinguished for his virtues, and the soundness of his understanding; a man who is not supposed capable of a premeditated injury, but willing to make reparation, where he has undesignedly offended.

I am,
With much respect,
SIR,
Your obedient,
And very humble servant,
(Signed) JOHN BARNES.

Little St. Helen's,
April 21, 1791.
William Wilberforce, Esq."

Clapham, Monday April 25, 1791.

" SIR,

" You do me no more than justice in supposing that so far from offering any one a premeditated injury, I shall never be backward to make reparation where I may have given undesigned offence; and must therefore begin by declaring very sincerely, that I am sorry any thing which fell from me, in the House of Commons, should have given you so much uneasiness; nor can I conceive this would have been the case, if you had not received an erroneous account of what I said. I am the rather inclined to this opinion, because of the expressions of which you make use, " fabricated testimony," and other terms of similar import; whereas neither then, nor at any time, either in public or private, have I ever expressed or imputed to you an intention to deceive. For that very reason, and on account of my believing your private character to be respectable, (a sentiment which, to the best of my recollection, I expressed on my legs) I selected you as a fitter instance of the influence of prejudice; for you must excuse my saying, that I certainly was in no degree convinced by what you said, and that I could only ascribe to the force of habitual and inveterate prejudice, your denial of the possibility of facts, which appeared to me to be proved in innumerable instances, by indisputable testimony.

" My allusion to the declaration you made at the bar, when examined before the House of Commons on the Wine bill, " that you " knew nothing of the adulteration of wine," was meant more as a joke than ought else, and as such I am clear it was taken; nor have I

ever

But the House must be aware, that there was not only an African medium, but an African logic too: it seemed to be an acknowledged maxim in the logic of Africa, that every person

ever thought so much of the force of the expressions; as since I perused your letter.

I am, Sir,
Your most obedient,
And humble servant,
(Signed) W. WILBERFORCE.

John Barnes, Esq."

" SIR,

" I return you my sincere and hearty thanks for your polite and very obliging favour of the 25th inst. which I received upon coming to town yesterday; you have said every thing I could desire, for the satisfaction of my own particular feelings, and I am far from being so unreasonable as to expect you should be convinced by any opinion of mine; the more especially, when that opinion has been contradicted by the testimony of positive facts.

" But though the letter which you have done me the honour to write has set my mind perfectly at ease, so far as it satisfies me that no imputation was intended against my character, yet I must beg leave to submit to your own good sense, and to your feelings as a gentleman, whether something farther is not necessary to remove that stain which my reputation has actually suffered, either by the misconception of people in the House, or by the erroneous account of your speech in the newspapers; in a case of so delicate a nature as this, I would not presume to suggest any particular remedy, if it were not from an apprehension that you might imagine I expected unreasonable concessions, and in order to prove that I have not the most remote wish for any thing of that kind, I have taken the liberty to write underneath, what I think might be proper to insert as an article in the Diary. If this should meet your ideas, it will give me infinite pleasure; if not, you will lay me under a lasting obligation, by favouring me with your authority for the insertion of any other paragraph which may be more agreeable to your own feelings, and which may answer the purpose desired.

I am,
With much respect,
SIR,
Your most obedient,
And most humble servant,
(Signed) JOHN BARNES.

Little St. Helen's,
April 27, 1791.
Wm. Wilberforce, Esq."

Proposed

person who offered a slave for sale, had a right to sell him. However fraudulent the manner might be in which the broker had obtained the slave, if they paid him a just price for him,

Proposed for Insertion.

"In the accounts given by the papers of Mr Wilberforce's speech in the House of Commons, on Monday the 18th instant, some imputation are stated to have been made on the chara ter of Mr. Barnes, as an evidence.

"We have authority from Mr. Wilberforce to declare, that he had not the most remote design of impeaching the veracity of Mr. Barnes, or of throwing any reflection on his character"

Clapham, April 29, 1791.

"Sir,

"I must repeat it, that if, as you apprehend, your reputation has suffered in consequence of a misconception or misstatement of what fell from me the other night in the House of Commons, I am very sorry for it, and I should be glad to remove your disquietude, if I could do it with propriety, but the mode you have suggested, of my authorising the insertion of a paragraph in the newspapers, correcting their misstatement, is one which I think would be neither serviceable to you, nor becoming for myself.

I am, Sir,
Your most obedient,
humble servant,
(Signed) W. WILBERFORCE.

John Barnes, Esq"

Little St. Helen's, May 2, 1791.

"Sir,

"On the 28th ultimo, I was obliged to go into Hampshire, and upon my return here this evening, I was sorry to find by your favour of the 29th, that you did not approve the mode which I took the liberty to suggest, in my letter of the 27th, for the removal of any unfavourable impressions of me, occasioned by your speech on the 18th, and as you have not thought proper to offer any other mode of doing that public justice to my character, which the present case gives me a fair right to expect, I must take the liberty to avail myself of the only means in my power, that of publishing your letter to me of the 25th; it being my wish, however, to avoid as much as possible whatever may in any degree hurt your feelings. I shall delay this publication for two or three day, that if you can propose any other expedient, more agree-

him, all was right, it was a perfectly fair *bona fide* transaction. This was not a charge brought by the witnesses for the abolition merely, but was expressly and avowedly declared by many of the most experienced of the witnesses against it, and denied by none. "It would have stopped "my trade," said one of them, "to have asked the broker "how he came by the person he was offering me for sale." "We always suppose," said another, "the broker has a "right to sell the person he offers us." "I never heard of "such a question being asked," said a third, and in still stronger terms, "a man would be thought a fool that should "put such a question." Mr. Wilberforce hoped the House would be aware of the practical utility of this reasoning. It was the key-stone that held the whole building together. By the help of this convenient principle, a slave captain might go up and down the whole coast of Africa, and see nothing but equity and justice; and the African Committee, reposing on this grand maxim with perfect security, report gravely and formally, that they had heard but of two instances of misconduct in the space of forty years. The slave captains, however, could not be altogether absolved, even by availing themselves to the full of this principle, excellent as it was; for depredations were frequently committed by the European ships themselves, especially when they were passing by any

able to yourself, I may have the satisfaction of adopting it in preference.

I am,
With much respect,
Sir,
Your most humble,
And most obedient servant,
(Signed) JOHN BARNES.

William Wilberforce, Esq."

Palace Yard,
Wednesday Morning, May 4.

"SIR,

"On my return home late last night, I found your letter of the 2d instant, in reply to which I can only say, I can have no objection to your publishing my letter of the 25th of April, adding only, that in that case, I must beg you to publish the whole of our correspondence.

I am, Sir,
Your most obedient,
And humble servant,
(Signed) W. WILBERFORCE.

John Barnes, Esq."

par

part of the coast where they did not mean to continue.—Hence it was, that, as several captains of the navy, and others, had given in evidence, the natives, who kept cautiously aloof from the slave ships, would never come near the men of war, till fully satisfied they were not of the former description; after which they laid aside their fears, and came and continued on board with unsuspecting chearfulness.

But, Mr. Wilberforce said, he would not detain the Committee any longer on this branch of the question, and added, let us withdraw from this disgraceful scene, and, in the words of an emphatic writer, "turn our eyes for relief to some ordinary wickedness." But alas! no such relief was yet to be enjoyed by them: on the contrary, a still more dreadful scene was opening to their view; but he had described this part of the subject so much at large on a former occasion, that he would spare the Committee the pain of dwelling long on it now. Let them but represent to themselves a vessel, in a sultry climate, heaped to the very brim with these unhappy wretches, torn from their homes in the way he had described, and ignorant whither they were going. He scarcely knew how to express himself; he could only say, he was persuaded that if the Committee could be transported where they might behold this dreadful spectacle, and after having taken a general survey of its multifarious wretchedness, if they were then to listen to each man's particular tale of sorrow, they would want no other argument for the abolition. It appeared from the evidence, that in the year 1788, at the very moment when they were agitating this subject within the walls of Parliament, all those dreadful occurrences which he was describing were actually going forward on board the slave ships; the same dancing in fetters, the same singing, the same eating by compulsion, the same despair, the same insanity, and all the other abominations with which this trade was characterized. New instances occurred, wherein these wretched men (eluding the vigilance of their persecutors, who knowing what they had to expect, had provided against it by the usual high netting, that standing precaution of an African ship) threw themselves into the sea, and more than one, when in the act of drowning, were observed to wave their hands in triumph, exulting, to use the words of an eye-witness, "that they had escaped." Yet these things, viewed through that African medium he had already named, took a different shape and colour. It was said by an adverse witness, Captain Knox, that he had no doubt "slaves lie, during the night, in tolerable comfort:" now, considering that they were coupled in fetters, and were often suffering under a disorder, the effects of which were too nauseous for description, in order to correspond with the Committee's ideas of tolerable comfort, it

might seem requisite that they should at least have room to lie on their backs; but how, in fact were they sometimes accommodated? In one of Captain Knox's own voyages, in a vessel of 120 tons, he had 290 slaves, and a space which, according to his account, would have held 43 more, being otherwise occupied, the whole might be said to contain 333; and with this proportion of men and tonnage, Captain Knox frankly declared, that perhaps they had not all the breadth of their backs. Yet, in another voyage, in a vessel of 108 tons, he carried 450; and in a third, of from 130 to 150 tons, he carried 600 slaves; neither should it be forgotten, that the number of seamen being always increased in proportion to the slaves, they also must have been more numerous in the two last voyages. What, in this situation, must have been the comfort of the slaves, he left to the consideration and feelings of the Committee. Another instance of this African self-deception, was to be found on the record of the Committee, in the case of a Captain, of whom he had heard that he was one of the best ever engaged in that trade, and of whom Mr. Wilberforce did not doubt, that, in any other situation, he would have been alive to the feelings of humanity; it had been asserted, that he had held hot coals to the mouth of a slave, in order to compel him to eat; but being questioned on the circumstance, not admitting, in the spirit of African logic, that *qui facit per alium facit per se*, he denied the charge with indignation. "I did not," said he, "and I defy "any body to prove that I did." "Did you never order "such a thing to be done?" "Being sick in my cabin, the "chief mate and surgeon at different times, informed me "that there was a man upon the main deck, that would nei-"ther eat, drink, nor speak. I desired them to use every "means in their power to persuade him to speak, and assign "reasons for his silence. I desired them to make some of "the other slaves endeavour to make him speak: when I was "informed he still remained obstinate, and not knowing "whether it was sulkiness or insanity, I ordered the chief "mate, or surgeon, or both, to present him with a piece of "fire in one hand, and a piece of yam in the other, and to let "me know what effect that had upon him; it was reported "to me, that he took the yam and eat it, and threw the fire "overboard." This, said Mr. Wilberforce, is eating by *duresse*, if any thing can be called so; the Captain, however, triumphs in the success of his expedient, and concludes his narrative by telling you that this very slave was afterwards sold for 40l. at Grenada. Mark here the moral of the tale, and learn the nature and the cure of sulkiness.

Mr. Wilberforce next observed that if there could be any aggravation of the injuries inflicted by the Europeans, on the

the inhabitants of this devoted land, it was afforded by considering who they were that were so treated, and what was their situation in their own country. So long had he been conversant with the whole of this great subject, that on every part of it a crowd of ideas rushed into his mind; but he would endeavour so to confine himself within particular points as to avoid trespassing too long upon the patience of the Committee. One witness spoke of the acuteness of their capacities; another of the extent of their memory; a third of their genius for commerce; others of their good workmanship in gold, iron, and leather; the peculiarly excellent texture of their cloth, and the beautiful and indelible tincture of the dyes; and it was acknowledged by all, that they supplied the ships with many articles of provision, with wood and water, and other necessaries; several mentioned, in high terms, their peaceable and gentle dispositions; their cheerfulness, and their hospitality; even those who were nominally slaves, lived a comfortable, happy life, and were not liable to be punished but for crimes, nor to be sold without the form of a trial, nor in some parts without the verdict of a jury. When one of the opponents' witnesses is asked concerning their condition and treatment he shews by his answer the impression made on his mind; he describes them as sitting and eating with their master in the true style of patriarchal simplicity and comfort.— Were these, then, a people incapable of complete civilization? It had been maintained, he knew, by some, that they were an inferior species, that they were even doomed by the Almighty to the sufferings they underwent, and that we were merely the instruments of the divine vengeance. To those who urge this argument seriously, it were not difficult to make a reply; though he acknowledged that the compatibility of natural and moral evil with the existence of an all-powerful, all wise, and all merciful Governor of the world, was a mystery beyond the reach of the human intellect. But in the mouths of those, who, instead of submitting with reluctance to the painful task of inflicting this punishment, courted and sued for the employment, and turned it to the purposes of their private interest, it seemed to him to deserve a very different treatment, and to be, indeed, nothing less than a gross and impious blasphemy.

Mr. Wilberforce added, that having made these remarks, he could scarcely entertain a doubt of there being but one wish generally prevalent in the House, concerning the abolition of the slave-trade. He was aware, however, that an opinion had gone forth, that the measure would be attended with infallible ruin to the West India Islands. He trusted he should prove that the direct contrary was the truth; but this, he must say, was more than any one, on any principles, had a

right to require. For his own part, he confessed that, considering the miseries this trade entailed on Africa, his liberty of choice was taken from him; he must, at all events, determine for the abolition; but surely no man, however free he might deem himself to decide on grounds of expediency,—would require more at his hands than that he should shew the measure would not prove absolutely ruinous to the West Indies. No petty, no dubious interest would, by any one, be stated as a sufficient plea to justify the extensive and certain evils he had enumerated. He would not detain the Committee for a moment, in arguing against the bringing of new lands into cultivation, by fresh importations of African slaves; for even apart from every consideration of justice and humanity, the impolicy of the measure was indisputably clear. Let the Committee consider the dreadful mortality that attended the opening of new lands; let them look to the evidence of Mr. Woolrich, and there see a contrast drawn between the slow, perhaps, but sure, progress of cultivation, carried on in the natural way, and the attempt to force improvements, which, however flattering the prospect might appear at the outset, soon produced a load of debt and inextricable embarrassments. He might even appeal to the enormous sum, said by the West Indians themselves to amount to more than 20,000 000l, owing to the people of this country; and challenge them, on any principles, to contend that any new system would involve them so deep as that on which they had hitherto proceeded. But he would leave this head, referring the Committee to the evidence of Mr. Irving, a gentleman, to whose abilities and merits the House and the country were no strangers; one of the few men Mr. Wilberforce had known, who united great and accurate knowledge of detail, with a deep and comprehensive view of the general principles of the commercial system. He called on the House at large, and particularly on any gentlemen of the West Indies, who might be present, to listen to him calmly and dispassionately, and he was persuaded they would rejoice as much as he could do, if he were able to make out his point. The grand basis on which were bottomed all the objections of those who maintained the contrary opinion, he apprehended to be this, that the stock of slaves now in the islands, could not be kept up by propagation, but that it was necessary, from time to time, to recruit them with imported Africans. In direct refutation of this position, he should prove; first, that in the condition and treatment of the negroes, there were causes sufficient to afford us reason to expect a considerable decrease, particularly that their increase had not been a serious object of attention; secondly, that this decrease was, in fact, notwithstanding, very trifling, or rather, he believed,

believed, he might declare it had now actually ceased; and thirdly, he should urge many direct and collateral facts and arguments, constituting, on the whole, an irresistible proof that even a rapid increase might henceforth be expected.

It was much to be lamented, he said, that on both sides, this great subject had been treated in a manner by no means calculated to answer the purposes of a cool and deliberate enquiry; there had been too much warmth and acrimony. For his own part, he hoped he had always both thought and spoke with candour and moderation. In judging and speaking of the condition and treatment of slaves in the West Indies, he had never adopted those indiscriminate censures, into which some had incautiously fallen. It would be in the highest degree unjust to the gentlemen of the West Indies, not to observe this distinction, and a due regard to it would have tended to soften asperity, and even perhaps to have prevented much of the opposition they have given. In stating, as he was about to do, the leading circumstances of the condition of the negroes, it would, however, be necessary to remark, that, whatever splendid instances there might be of good treatment, there were some evils of almost universal operation, such he meant as were necessarily connected with a system of slavery. Above all, the state of degradation to which the slaves were reduced, deserved to be noticed in this regard, and from which the worst consequences resulted in a thousand ways, both to their own comfort, and even to their masters' interests. Of this there could not be a more striking proof than the utter inattention to them as moral agents. It was not merely that they were worked under the whip like cattle; but no attempts were ever made to instruct them in the principles of religion and morality. This, together with the acknowledged neglect of any attempt to introduce regular marriage among them, applied directly to the question concerning their increase, and tended to refute the notion of its having been seriously attended to. The gentlemen who asserted this, and who said they could point out nothing defective in the treatment of slaves, had frankly confessed that their morals were utterly neglected, and that the best consequences might be expected to result from their being attended to; and how could it but be so, when, as was declared by these very same gentlemen, promiscuous intercourse, early prostitution, and excessive indulgence in spirituous liquors, were material causes of their decrease? Indeed, the happy effects of instructing the slaves in the principles of religion, had lately been experimentally proved, particularly in the Island of Antigua, were, under the teaching of the Moravians and Methodists, they had so far profited, that the planters themselves

ſelves confeſſed their value, as property, was increaſed one-third by their increaſed habits of regularity and induſtry.

Whatever might have been ſaid to the contrary, it was plainly to be inferred, from the evidence, that the ſlaves had not been under the protection of law. Colonial ſtatutes had, indeed, in ſome caſes, been paſſed, which might ſeem to afford them a ſort of qualified protection; but, however ill treated by their maſters, they had not been conſidered as having a right to any redreſs. A curious inſtance in point occurred to his recollection: it was contained in the evidence of Mr. Roſs, a gentleman, for whom he muſt be allowed to expreſs ſentiments of unfeigned reſpect and regard. There was ſomething in the manner of his coming forward, to give his teſtimony, that reflected the higheſt honour on his character. Some of his neareſt and moſt intimate connections were in the Weſt Indian line; but when he (Mr Wilberforce) without any previous acquaintance or introduction, called him forth to tell what he knew, he did not diſregard the appeal, but ſtept forward from a principle of duty which ſuperſeded all perſonal conſiderations. Mr. Roſs mentions an inſtance of aſtoniſhing cruelty, committed by a Jew. It was but juſtice to add, that the man was conſidered with deteſtation whenever the circumſtance was told; but, though a matter of notoriety, it does not ſeem to have entered into the contemplation of any perſon, to call him to a legal account; and Mr. Roſs expreſly declared, that he conceived a maſter had a right to puniſh his ſlave in whatever manner he might think proper. The ſame was declared by numberleſs other witneſſes. There would be no end of going into particulars. An aſſertion, however, was to be found to the contrary, and ſome records of convictions had been ſent over as proofs of it. Mr. Wilberforce went into the particulars of theſe records, for the purpoſe of refuting the concluſion they were meant to eſtabliſh; particularly remarking, that the convictions were all of a very late date, and that in one of them, where a maſter had cruelly cut the mouth of a child, of ſix years old, almoſt from ear to ear, ſo ſtrange and ſo novel a doctrine did it appear to the jury, that a maſter was liable to puniſhment for any act of cruelty exerciſed on a ſlave, that they brought in a conditional verdict, "guilty, ſubject to the opinion of "the court, if immoderate correction of a ſlave, by his maſter, be a crime indictable." The court determined in the affirmative; and what was the puniſhment of this abominable act of barbarity? a fine of 40 ſhillings currency, equivalent to about 25 ſhillings of our money! the ſlaves were but ill off in point of medical care; though that was an article wherein it might be expected there would be the leaſt defect, when they were the property of affluent planters, becauſe it was that

that in which a prudent regard to interest, was the least likely to be counteracted by any sudden effects of passion. Sometimes 4 or 5, or even 8 or 9000 slaves, were under the care of one medical man; which, dispersed on different and distant estates, were a greater number than he could properly attend to.

There was reason to believe the slaves in general were underfed: he might refer to the positive declarations to that effect contained in the evidence, and would confirm them by two or three additional arguments. The slaves, in general, were supported partly by the produce of their own provision-ground, partly by an allowance from their master of flour or grain. In those islands wherein the produce of the former were very trifling, owing to long and frequent droughts, their allowed food, instead of being proportionably greater, was actually less, than in other islands, where this produce was the most considerable. In one of the islands, where, we are told, provision ground does not answer one year in three, it was from 5 to 9 pints per week: in Dominica, where these never failed, from 6 to 7 quarts; and yet, even in the latter, it was universally remarked, that the slaves were in far better health and spirits, during the five or six months of the crop or harvest season, notwithstanding the much harder labour of that period, owing to their being then somewhat better fed. It appeared, in the evidence of a respectable witness on the side of our opponents, that the utmost weekly allowance, generally given to a working negro in Nevis and St. Christopher's, where there was no provision-ground, was but 11 pints; yet, in the act of Assembly, lately passed in Jamaica, it is prescribed, that 21 pints shall be allowed weekly to every slave confined in prison. In Nevis also, so long ago as the year 1717, the rate of food was fixed at a pound of meat or fish, and a pound of bread, daily. A prison allowance is not in general meant to be such as will pamper the body; yet how much does it here exceed that of the working field slaves in the old Leeward Islands?

It was easy to see how, in the several particulars he had been mentioning, the slaves would feel the bad effects of their masters' being embarrassed in their circumstances; whence would naturally result an abridgement of their food, with an increase of their labour: but this led him to the mention of a capital cause of the negroes' sufferings, and consequent decrease. This was the non residence of the planters, many of them persons of affluent fortunes, of sound understandings, and liberal hearts; who, if they were on the spot, would attend to these poor creatures, and feel themselves bound, both by duty and inclination, to promote their happiness. But it was to no purpose to send out orders, of the execution

of which they could know as little, as a king, who lived in his capital, could anſwer for what was carrying on in the moſt diſtant part of his dominions. An honourable baronet, Sir George Young, and many others, had ſaid, they ſaw the ſlaves treated in a manner they were ſure their owners would have reſented if it had been known to them: another honourable gentleman, Mr. Orde, had animadverted, in the ſtrongeſt terms, on the miſconduct of managers; the very changes of them, which were confeſſed by almoſt all planters, were an irrefragable proof of this miſconduct. The fact was, that in general they ſought to eſtabliſh their characters, which, as Mr. Ottley ſuggeſts, is generally determined by this conſideration, the producing large crops at a ſmall immediate expence, too little conſidering how far the ſlaves might ſuffer from ill-treatment and exceſſive labour. Mr. Long had noticed, and ſeverely condemned this practice; and even the managers themſelves had acknowledged it to be their leading principle. But, if from theſe cauſes, the ſlaves were ſuch grievous ſufferers, even when they belonged to opulent and worthy men, what muſt their ſtate be, ſubject to the ſevere exactions of want or avarice, and to the capricious cruelty of vulgar and unfeeling tyrants? the ſad and humiliating effects were but too abundant in the pages of the evidence, and he had rather refer to them there, than undergo the painful taſk of reciting them.

But, in addition to all he had already ſaid, concerning the cauſes which had prevented the keeping up the ſtock of ſlaves by breeding, he muſt maintain, that it was inconteſtably proved that the object had never been ſeriouſly attended to. Here alſo, he need only appeal to the teſtimony of the moſt reſpectable witneſſes, who not only formed the opinion as an infallible concluſion from what they ſaw with their own eyes, but who learnt it from the expreſs declaration of the managers and overſeers themſelves. But this was confirmed by the teſtimony of their opponents, alſo. Mark the ſtate of this controverſy! the advocates for the abolition alledged, that the increaſe of the produce was more attended to than the keeping up the ſtock: the reverſe of the propoſition was maintained by the planters. Now, it was natural to imagine that men would be always beſt informed on thoſe ſubjects with which their minds had been moſt converſant. Yet it was likewiſe evident, moſt univerſally, that the owners and managers, when aſked concerning planting and the produce of their eſtates, are perfectly at home: when aſked concerning their proportion of males and females, the number of infants, and other ſuch particulars, they know little or nothing about the matter. Even medical men were perfect adepts in the art of planting; but when aſked the latter queſtions, connected

nected with breeding and rearing, they seemed quite amazed, and could give no information.

Here it became necessary to remind the Committee, that in opposition to his statement of the condition and treatment of the negroes, many very respectable witnesses had been called, and, in particular, several persons who had served in the islands in high professional situations. He knew what was due to their worth and characters; and he trusted that they would do him the justice not to think him guilty of the smallest degree of personal disrespect, whilst in the discharge of a duty which was indispensable to the task he had undertaken, he should freely canvas their declarations. In the first place, he must enter a general protest against their testimony. He had formerly stated, that an Admiral's visit to a plantation must make a holiday, and could afford no adequate idea of the general situation of the slaves. This, indeed, might reasonably be imagined; but the Committee was now told as much by one of the party. "I have often," says Mr. Ross, "had the honour of attending both Gover-"nors and Admirals upon tours in the island of Jamaica; in "the course of which, the estates generally visited belonged "to gentlemen of distinction, where we were entertained "with every mark of respect, and whose estates in general "might be considered in high order and good management; "and it is not likely, even upon going into the fields "or works where the negroes were employed, but that at-"tention would be paid by the white people and drivers, not "to harrow up the feelings of strangers of distinction, by "the exercise of the whip, or the inflicting of punishments "at that particular time; and even if there were any disgust-"ing objects, it is natural to suppose that they would be "removed upon such occasions." In fact, these gentlemen afforded many proofs of their being under the influence of prejudice. Two or three he would mention: they, many of them, declared that the abolition would be ruinous to the West Indies. Now, every person will acknowledge, that this must depend upon the practicability of keeping up the stock, without African supplies: yet, when asked as to this circumstance, their answer is, They know nothing about it! Hence it appeared, they had formed a conclusion without premises, a superstructure without a foundation, which, of course, must fall to the ground. Another point worthy of observation was, that their evidence often extended through a long series of years. No defect, no ill treatment, is remarked, in any portion of the time, nor is there any distinction of periods. The slaves are uniformly well cloathed, so well fed, so well treated, that nothing can exceed it: yet, almost in the same breath, you are told of their amended situation,

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and that they are now far better off than they were formerly. One of them, to whom his country is under high obligations, in proof that the negroes enjoy the protection of laws, mentions a master's having been sentenced to death for the murder of his own slave; but the recollection of the respectable personage must surely have failed him here; for the fact is, that the murder of a slave was not then a capital crime. But it was less extraordinary, that the noble person alluded to, should be mistaken on a subject not within his own province, when others were misinformed on it, to whom it more immediately belonged. Of this there were repeated instances. A very respectable governor being asked, whether a master was liable to be punished capitally for the murder of his own slave, replied, "he never entertained a doubt of it himself, "nor ever heard a doubt of it expressed by any sensible or "reasonable man;" yet, had he looked into the statute book of his own Island, he would have found, that the wilful murder of a slave was punishable only by a fine of about 180 l. sterling. This however was a heavier penalty than that inflicted by the Barbadoes law; for 15 l. sterling was there the amount of it. In fact, their opponents' witnesses, by attempting to prove too much, had proved nothing. The slaves were said to be in a better state than the peasantry of this country, whom, to use the emphatic language of Mr. Ross, he would not "insult with a comparison;" and those very circumstances had been insisted on as proofs of the assertion, by which it was most palpably refuted.

It had been declared, also, that the negroes were happier as slaves, than if they were made free; and that, when made free, they never returned to Africa. There was scarce, perhaps, in the whole course of the business, a more striking proof of prejudice, than was afforded by the first of these assertions. He allowed that a slave, who was industrious, and in a situation wherein he might, to advantage, dispose of any commodities he had been able to raise for sale, could annually lay by a little money, which Mr. Wilberforce was glad to have it to say, he believed, was never taken from him.— When the savings of many years at length had accumulated to a considerable amount, how did they then dispose of it? With this sum, for which they had been struggling during the whole course of their lives, they went to their masters and bought their freedom; they purchased their release from their situation of superior happiness, by the sacrifice of their last shilling! and there was scarcely any instance mentioned of a slave's possessing property, which was not accompanied by that of his having thus employed it: or, when they thought the little which was left of their own lives not worth redeeming, they would purchase the freedom of a son, a

 brother,

brother, or a sister; thus affording at once, a proof of the value they set on freedom, and of disinterestedness and social affection, which did honour to the human character. But the argument might be pushed still farther. It was not merely that the slaves themselves desired their freedom, ignorant perhaps of what might really contribute to their happiness, but it was by the gift of it that their masters remunerated their long and faithful services, as the best reward with which they could be recompensed. Mr. Wilberforce would not so calumniate the West Indians, as to suppose they meant only to mock these poor people with a real evil, for an imaginary good; nor yet that they were mocked by the laws which held forth to them this boon of freedom, as the most valuable recompence they could receive. The dissatisfaction of the slaves with their state of bondage would appear still more striking, when it should be considered, that they who bought their own freedom, in the manner he had above described, from the habits of industry, which were included in the very idea of acquiring so much property, were likely to have smarted less than ordinary under the whip of the driver; and that they must rather be supposed to be influenced by the evils of their present state, than by the sweets of that to which they aspire; for their freedom, when obtained, was still a state of unprotected degradation, liable, as sufficiently appeared by the evidence, to perpetual injury and insult.

With regard also to their not returning to Africa, this was an argument which could hardly be urged with seriousness. Sinking into years, perhaps, before they had saved enough to purchase freedom, and thus procure to themselves the opportunity, was it to be expected they should venture across the Atlantic? if they could even reach their homes in safety, all their kindred and connections would be now, perhaps, no more; and when, above all, they would reasonably apprehend they might once more be kidnapped, once more hurried on board a ship, and again forced to endure, and again survive the horrors of the middle passage! but this love of their native country, and their desire to return to it, was proved beyond a doubt: many of the witnesses had heard them talk of it in terms of the strongest affection. The acts of suicide were frequent, which, under their mistaken notions, they committed as the readiest means of getting home, and under the same notion that, by death, they were restored to their native land. Captain Wilson assures us, that the funerals, which, in Africa, were accompanied with lamentations and cries of sorrow, were attended, in the West Indies, with every mark of exultation and joy.

Mr. Wilberforce trusted that, on the whole, he had made good his first proposition, that the causes of decrease were so

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many and so great, that this decrease might reasonably have been expected to be very considerable. In fact, however, in the island of Jamaica, which, he conceived, he might take as a fair specimen of the whole, it was very trifling; or rather, he believed, he might assert, it had entirely ceased some years ago, and that the decrease was only on the imported slaves. He would not trouble the House at present with any thing more than the result of the calculations; but he was ready to enter into the detail of them whenever he should be desired. In the report of the Privy Council, they had the numbers imported, and the actually existing numbers during the last 90 years. From 1698 to 1730, a period of 32 years, the decrease appeared to be three and a half per cent; in the second period, from 1730 to 1755, the decrease was two and a half per cent; in the third period, from 1755 to 1768, it was lessened to one and three quarters; and from 1768, to 1788, at the utmost, it was not more than one per cent, which also must be ascribed in a great degree to an extraordinary series of hurricanes, and consequent famines, leaving a loss that would be fully accounted for by the numbers of imported Africans who perished in the seasoning, a cause of mortality which, it was evident, would cease with the importation. From this, and other considerations, he felt himself warranted to assert, that the slaves in Jamaica were now actually increasing: nor need this surprise the Committee; for it was borne out by the positive testimony of Dr. Anderson, a physician of considerable eminence, who solemnly gave in evidence, two years ago, to the Assembly of Jamaica, after enumerating the causes of the mortality of slaves, that, notwithstanding all these, he believed that there was a considerable increase on the properties of the island, and particularly in the parish in which he resided.

Mr. Wilberforce said, he would now proceed to fulfil his engagement, and bring forward such facts and reasonings as justified his persuasion, that the slaves must henceforth be expected to increase, and that even rapidly. And, in the first place, he must draw a most important inference from the gradual lessening of the decrease which he had already stated; for as this had uniformly kept pace with the melioration of the slaves' treatment, so there was every reason to hope, that as this should be still mended, the decrease would continue to lessen in proportion. This expectation was put almost beyond a doubt by the following circumstance, that wherever any one of those causes, to which he had ascribed the decrease of slaves, had been either wholly, or in a great degree, removed, the decrease appeared to have been stopped, though all the other causes continued in full operation. Thus, in the case of several of their opponents' witnesses, whenever

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the gentleman examined had fed, or managed, or treated his slaves better than ordinary, you were almost sure to hear, in the sequel, that he had kept up the number of his gang. Mr. Willock gave his slaves an uncommonly large allowance of food, and their increase was accordingly. Mr. Ottley, Sir Ralph Payne, and many others, afforded also pleasing examples of a similar nature; and the instances of estates which appeared in the evidence to have kept up their numbers were very many, and almost always to be accounted for from some circumstance of good treatment. In short, it would weary the Committee to enumerate the instances of plantations which are stated in the evidence to have kept up their numbers. A remedy had been lately found for a disorder by which vast numbers of infants had been formerly swept away. Mr. Long had laid it down, that whenever the slaves should bear a certain proportion to the produce they might be expected to keep up their numbers, and this proportion they now exceeded. The Assembly of Jamaica had given it as their opinion, "That when once the sexes shall become nearly "equal in point of number, there was no reason to suppose "that the increase of the negroes, by generation, will fall "short of the natural increase of the labouring poor of Great "Britain." The Committee would be aware that the inequality here spoken of, could only exist in the case of the African negroes, of whom more males than females are imported. It was his decided opinion, for various reasons, with which at present he would not trouble the Committee, that the disproportion, even in this part of the island stock, was by no means great, nor would he allow, for a moment, that it was such as could counteract the natural course of population. In this he was certainly confirmed by Dr. Anderson, who gave no hint to the Committee, that, in the parish wherein he resided, one of the largest in Jamaica, the males and females were in any other than the ordinary proportion, nor even that any more than common attention was paid to the slaves; yet there, he said, of his own knowledge, they were increasing. Nor should it be objected, that several persons of undoubted credit had stated, that they had in vain, endeavoured to keep up their gangs without purchase; for, if this argument were to be deemed conclusive, it might be proved that the people of this and of every other country, were rapidly decreasing. Should an inquiry on that head be carrying forward, many individuals might come and declare, that their families had been swept away by consumption, fever, or some contagious disorder, in spite of the most watchful care, and the best medical assistance; all this might be very true, but it would afford no fair inference as to the general position.

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But to proceed to the facts which must confirm the hopes of the Committee beyond the possibility of doubting, without stopping to insist on what was universally acknowledged, that the negroes were a very prolific people in their own country, he must point the Committee's attention to the Continent of America: there it would be found, that the slaves had increased at a rate which was truely astonishing, in one instance, from 200 to 900 in the space of about 30 years. From one end of the Continent to the other, this increase was undeniably established; though the climate was far more unfavourable than that of the West Indies to the constitutions of the negroes, who not only had to contend with the severity of cold in the winter, but in some parts, with noxious exhalations in the summer, from which the white inhabitants fled to the towns as from a pestilence. The only observable distinction was, that they were much better fed, and, in some places, more domesticated; yet these circumstances produced the difference he had mentioned, though so powerfully counteracted by an unfavourable climate.

He should next direct their eye to another part of the world, where, as if to show that there could be no situation in which these people would not keep up their numbers, they would be found to have done so at a place the most unhealthy, he believed, in the habitable world. He spoke of the settlement of Bencoolen, where it appeared, from the evidence of Mr Botham, that a number of negroes, who had been imported in the same disproportion of sexes that is in the West India cargoes, and under the same disadvantages, as in the islands, of promiscuous intercourse and general prostitution, after they had been settled a short time, began annually to increase.

But the West Indies themselves would furnish a still more remarkable instance: about the beginning of this century an African ship was wrecked upon the island of St. Vincent. The number of negroes that escaped is not known. It was to be supposed the disproportion of the sexes was at least as great as in the cargoes at this day. They had every difficulty to contend against, were wholly unprovided with necessaries and obliged to maintain a constant war with the native Caribbs; yet they had soon multiplied to an astonishing number, and Mr. Otley declares that he believes them still to be on the increase, precluding, at the same time, a way of accounting for it, which had been somewhere suggested, by adding, as he has heard and believes, they never permit the run-away slaves to incorporate with them, and that they have a peculiar mark, produced by flattening the forehead in infancy, by which they are readily distinguished from all other negroes.

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This is not all: it appeared, from Sir John Dalling's evidence, that the domestic slaves in Jamaica increased, and, from the writings of Mr. Long, that there was an increase among the free blacks and mulattoes. But Mr. Wilberforce was aware that one instance of a contrary nature would be brought forward, contained in the evidence of Sir Archibald Campbell, whose name he could not mention, without expressing regret for his recent loss, in common with many other Members of that House. That gentleman had informed the Committee, he had heard that the maroons in Jamaica, had in 1739, amounted to 3000 men fit to carry arms, which Mr. Wilberforce need not inform the Committee, supposes the whole number about 12,000; but that, in the year 1782, after every possible exertion, to get all their fighting men to turn out to defend the island against the French and Spaniards, he found, to his great astonishment, that the fighting men did not then amount to 300. Sir Archibald added, that he understood they were decreasing daily: nor was this surprising, considering they had a free access to spirits, of which they are remarkably fond, and that they often cohabited with the women of the neighbouring plantations, and consequently were not recruited, in these instances, by the addition of their own progeny. It is true, some of the witnesses, in favour of the abolition, had said they believed these maroons increased; but their opinion would hardly be received in contradiction to Sir Archibald Campbell's, and the reasons by which it is supported.

But what, added Mr. Wilberforce, would the Committee say, when he should prove decisively, that these very people, from the actual enumerations of two different periods, had doubled their number in two and thirty years? about the year 1733, it was declared, in an act of the Jamaica Assembly, that, notwithstanding every effort made against them, they still increased upon their hands. A long and bloody war succeeded, and they were so greatly reduced that, whatever their numbers might have been in 1739, which Sir Archibald Campbell seems to state only from popular rumour, they were, according to Mr. Long, actually numbered in 1749, when they amounted to about 660 in all, having 150 men fit to carry arms. These, we find, from Sir Archibald Campbell's actual muster in 1782, had increased to near 300 of the same description, which gives 1200 in the whole; and the account is confirmed by an intermediate return of 1770, contained in the Privy Council's Report, when they were just so far in their way to the last mentioned number as you would expect to find them, being 216 men fit to carry arms, and in the whole 885. Nor ought it to be forgotten that, in 1749, the proportion of men to women was nearly four to

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three, a greater inequality than the opponents stated, and much more than they acknowledged to exist among the slaves in Jamaica.

Mr. Wilberforce apologized for having dwelt so long on this branch of the argument; but it was that which was more important than all others, considering the question in a political view; and, though he could never, for a moment, allow himself to remain under the imputation of forming his own decision on grounds of policy, yet he held it an essential duty, in his situation, to do his best to quiet the apprehensions of the planters, and to convince them that the abolition of the slave trade, indispensible on every principle of religion and humanity, would not be injurious to their interests. After all he had said, was there any one so confirmed in prejudice as to maintain that the negroes would not keep up their numbers, if this were made, in any degree, a subject of attention? the reverse was proved by sound reasoning. It was confirmed by unquestionable facts. In their native country, the negroes were prolific to such a degree, that by one of our opponents it was said, that they could continually throw off fresh swarms, without feeling the loss of them. In America, through all her provinces, they had increased; they had increased also in Bencoolen; the Caribbs had increased in St. Vincent's, and the maroons in Jamaica; the free blacks and mulattoes increase; Dr. Anderson attests that the field slaves themselves increase, and multitudes of particular instances of increase are stated in the evidence. The decrease is stated to be trifling, though no attention appears to have been paid to the subject. That decrease has been gradually lessening, and whenever a single cause of it has been removed, many still remaining, it has altogether ceased. Surely, said Mr. Wilberforce, this forms, on the whole, a body of proof which is utterly irresistible.

Mr. Wilberforce now proceeded to treat of the consequences of the abolition in other views; on which he said, he would be as brief as possible. And first, as to its effect on the marine. He had uniformly asserted, that this trade was the grave, rather than the nursery, of seamen; he knew, he could rely on the fidelity and accuracy of the gentleman, by whom this subject had been investigated; but if his statements had wanted any authentication, they were confirmed beyond a doubt, by an abstract just laid before the House, of the Liverpool and Bristol muster-rolls. From these it would appear, that, in 350 slave vessels, having on board 12,263 persons, 2643 were lost in twelve months; whereas, in 462 West-India-men, having on board 7640 persons, 118 only were lost in seven months. This fully equalled, or rather exceeded, the losses stated by Mr. Clarkson. There was no part

part of this whole subject on which the Committee had a more complete body of evidence than on this. Lord Rodney himself declared, "the slave trade is certainly not a nursery "for seamen." Governor Parry's letter, from Barbadoes, would never, he hoped, be forgotten. The evidence of Mr. Ross was clear on this point; and Mr. Edwards himself, whilst with justice he complimented his countrymen on their humanity to the abject seamen who were left in Jamaica, shewed, at least, that they were so left. Sir George Young and Captain Thompson were very copious here, and decisive as to the general ill treatment of the crews of Guineamen, of which, however, the single fact of their always wishing to quit their ships for a man of war, whilst the direct contrary happens in every other trade, was a more conclusive proof than the multitude of particular instances of ill treatment he had it in his power to adduce. The instance of Captain Hall was very remarkable, who being in the impress service in the West Indies, at a time when seamen were extremely wanted, not for active service only but to send home the prizes which had been taken on the 12th of April, having brought off 30 hands, whom he selected with care from a crew of 70, was reprimanded by his Admiral for introducing such wretches into the fleet, who were likely rather to weaken its strength, by communicating infectious disorders, than to render it any service. Nor was it only to the constitutions of sailors that this trade was injurious; it debased also and degraded their moral character. Captain Smith had declared, that "when employed to board Guineamen for the purpose "of impressing men, although he had boarded perhaps near "20 vessels, he never was able to get more than two men, "and these turned out such cruel inhuman fellows, that, "although good seamen, he was under a necessity of dismiss-"ing them the ship." But one of the most disgraceful illustrations of this charge, was contained in the evidence of Mr. Ross, who, having declared that his mind furnished him with a recollection of a great number of instances, wherein the slave trade had been productive of great destruction and misery to the human race, both blacks and whites, stated the fact to which Mr. Wilberforce had been referring, marked, as he observed, with peculiar circumstances of horror! An African ship had struck on some shoals, called the Morant Keys, a few leagues from the east end of Jamaica. The officers and seamen landed in their boats, carrying with them arms and provision, leaving the slaves on board in their irons and shackles. This happened in the night! When morning came, it was discovered the negroes had got out of their irons, and, shame to the Europeans! not satisfied with saving themselves only, were busy making rafts, upon which they

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placed the women and children, the men, and others capable of swimming, attending on them, whilst they drifted before the wind towards the island where the seamen had landed. The minds of these, if, by the habits of the slave trade, they had not become hardened against every feeling of humanity, must have been moved by so interesting a scene: they would have been eager to repair their former cruel neglect, and to lend them, though late, their best assistance. But what was indeed the sequel? "from an apprehension that the ne-
"groes would consume the water and provision which they
"had landed, they came to a resolution to destroy the ne-
"groes, by means of their fire arms and other weapons, and
"as the poor wretches approached the shore, they actually
"destroyed between 3 and 400! Out of the whole cargo,
"only 33 or 34 were saved, and brought to Kingston, where
"they were sold at public vendue." It is the charitable conjecture of Mr Ross, that they were in a state of intoxication, when they adopted the above mentioned resolution, without having first made an attempt to dispatch their boat to Jamaica for assistance, or a vessel to take them and the slaves off the island; adding his persuasion, that, if they had acted with common discretion, there was no necessity for destroying one of them. But this, there was but too much reason to fear, was a supposition more of charity than justice; for there appeared no want of coolness and discretion, in the precautions they took for their own safety. It would, however, be to no purpose, Mr Wilberforce added, to relieve the slave trade from this act of barbarity; the story of the Morant Keys was but parallelled by that of Captain Collingwood; and were you to get rid of these, another, and another, would still present itself.

The volume of evidence which lay before him, was filled with accounts of different kinds of miseries. His feelings were too powerfully worked on to allow him to stop; and he must shut up the book at once, or he must read the whole. Whilst he had been just reading to them the story of the Morant keys, his eye had but glanced on the opposite page, and it met another circumstance of horror attending this trade, which had escaped him in its proper place. It related to what were called the "refuse slaves:" what was signified by this term, he could not better explain to the Committee, than by reading to them some words from Mr. Ross. After saying there were, in the town of Kingston, a number of people who speculated in the purchase of the slaves, left after the first day's sale, for the purpose of carrying them to the country, and retailing them, he proceeded to declare, that he "had frequently seen the very refuse of the slaves of
"Guinea ships, landed and carried to the vendue-master in a
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"very wretched state, sometimes in the agonies of death,
"and there sold at very small prices, even as low as a dollar,
"and that he had known instances of their expiring in the
"piazzas of the vendue-master." The bare description superseded the necessity of any remark: yet these are the familiar incidents of the slave trade!

But there were other fatalities to which seamen, in this trade, were peculiarly liable. In the course of his inquiries, it had occurred to him to look into the list that was kept at Lloyd's, of the casualties that befel our shipping, and thence he soon collected the accounts contained in the book he held in his hand, where, in some years, it appeared one, in others two, and in others three, and in one as many as six, ships, were cut off by the natives, or destroyed in some other manner. Such articles as these were every where to be met with: in short, the history of this commerce was written throughout in characters of blood.

Mr. Wilberforce came next to the consideration of the effects of the abolition of the slave trade on those places by which it was most carried on. He alluded to Bristol and Liverpool, particularly the latter, of the commerce of which it had been usually thought to constitute a considerable share. Long might she be rich and flourishing, provided it was by fair and honest gains; and he was happy in being able to say, that it was not by this detestable traffic that she had risen to her present opulence; and that, not only because it composed but a thirtieth part of her export trade, but also because, from private information, as well as public documents, he was authorised to say, it was merely a lottery—profitable, indeed, to some individuals, but a losing trade on the whole. The delegates from Liverpool had declared, at the bar of the House, that, in order to give the merchants a profit, he must be allowed to carry a greater number of slaves, in proportion to his tonnage, than he was permitted by the existing law; and in the accounts contained in the papers on the table, of the tonnage of ships, and the number of slaves they carried, the cargoes of a great part of them would be found to be below that proportion.

Of the commerce of Bristol, the slave trade constituted a still smaller proportion. For the effects of the abolition on the general commerce, and on the manufactures of Great Britain, he would refer the Committee, once more, to the evidence of Mr. Irving, where they would find that the benefits of its continuance, in these views, had been extremely exaggerated. The medium value of British manufactures, exported to Africa, amounted but to between four and five hundred thousand pounds a year, and there was no doubt but that the superior capital, ingenuity, industry, and integrity,

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the British manufacturer, would command new markets for the produce of his industry, when this should be no more; but he should advert hereafter to this subject. He might have been warranted to call our exports to Africa a trifle, considering that the value of British manufactures, of late exported from this country, exceeds that of the most flourishing period before the last war, in the sum of 2,500,000l. One branch, indeed, of our manufactures, he must confess, was likely to suffer from the abolition, and that was the manufacture of gunpowder, of which the nature of our connection with Africa, drew from us as much as we exported to all the rest of the world besides.

He hastened, however, to another part of the argument, on which it would be necessary for him to take up more of the time of the House. By many persons it had been said to him, "We wish, as earnestly as you can do, to put an end "to the slave trade, but we cannot approve of your mode. "Allow it to be carried on for some time longer: for, by a "hasty abolition, you will displease the Legislatures of the "West-India islands, on whom you must, in fact, depend "for such a melioration of the slaves' condition, as, by in-"suring the keeping up of the numbers, will prevent the "necessity of importation. It is by them the laws must be "passed for the protection of slaves, and it is by the magis-"trates, and others in the islands, that these laws must be "enforced" Now, said Mr. Wilberforce, I am directly at issue with these gentlemen; and though the effects of the slave trade on Africa, were not such as to preclude every idea of regulation, I should be decidedly of opinion, that the abolition was to be recommended as the best, and indeed the only certain, mode of so far amending the treatment of slaves in the West Indies, as to secure their increase. Mr. Wilberforce added, that he trusted he should prove that the mode preferred by these gentlemen was at once inefficacious and unsafe. In order to shew the inefficacy of any laws which might be passed for securing good treatment to the slaves, it would be sufficient to acquaint the House, if they were not already aware of it, that the evidence of negroes is, in no case, admitted against white men. The consequences of this would be obvious, when it should be considered that there were seldom more than one or two white men on a plantation; and, in the language of the Grenada answer, that "those who were capable of the guilt in question, will, in "general, be artful enough to prevent any but slaves being "witnesses of the fact." Hence it had arisen, that when positive laws had been made, in some of the islands, for the protection of the slaves, they had been found almost a dead letter, as was abundantly proved in the evidence before them.

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But, granting it were possible, by positive laws, to protect the slaves from the extremes of ill usage, from murder and mutilation, by what laws could they hope to enter into every man's domestic concerns, and regulate the interior economy of his house and plantation? This would be something more than a general excise, and what never could, or would be borne by freemen. Yet on all these, and innumerable other minutenesses, must depend the comfort of the slaves' situation, and the probability of their increase. A new system, indeed, had been attempted to be introduced, by which individuals, under the name of guardians, were, by turns, to attend to carrying the laws into execution; but all this machinery would be to no purpose; and so long as it continued in action, it would make every man a spy upon his neighbour's conduct: it would poison the comforts of domestic life, and destroy the confidence of social intercourse.—Would any one, therefore, conceive it possible, that it should prove efficient, or if so, that it could long continue in operation? But it would be concealing too much to admit, that, even in greater matters, the laws would be effectual. It was universally allowed, that the regulations of the *Code Noir*, however excellent, had been utterly neglected in the French West India islands, though there was an officer appointed by the Crown, for the express purpose of seeing them enforced. The provisions of the Directorio had been but of little more avail in the Portuguese settlements, nor the institution of a Protector of the Indians in those of the Spaniards. This lesson of the futility of slave laws, was so experimentally inculcated on the spot, that many in the islands ascribed the bills which had been lately passed, to a disposition to blind the people of this country, rather than to any serious expectation of being able to carry them into execution. Mr. Wilberforce, for his own part, sincerely disclaimed any such opinion: on the contrary, he gave ample credit to many of those who had an active share in bringing them forward; and, in particular, he had read, with pleasure, the language on that subject of a gentleman to whom he had before had occasion to allude. But, after all their regulations, what degree of protection the slaves would enjoy, might be inferred from the admission of the gentleman by whom this very plan had been recommended; no ordinary man, but a person of discernment and legal resources. He had proposed a limitation of the number of lashes, to be given by the master or overseer, for one offence; but when asked, "Can you suggest any mode "by which the master can be brought to punishment, even "if he should give the slave ever so great a number of lashes, "in a short space of time, screening himself under the arti- "fice of splitting one crime into many, and giving the li- "mited

"mited number of lashes for each?" he frankly replied, "I "can devise none, while the evidence of slaves continues "inadmissible against their masters." After this, who would maintain, that the treatment of slaves by their masters could be made subject to the regulations of the law? The artifice suggested before, was not an ideal one: they who had read the evidence, would recollect a disgusting instance of it recorded by Captain Cook; wherein an inhuman wretch, in Barbadoes, had chained a negro girl, of about nineteen, to the floor, and flogged her till she was nearly expiring, with agony and loss of blood. After he had retreated to avoid the effects of the resentment so shocking a sight naturally kindled in persons unused to such scenes, he cried out with exultatian, "I have only given her 39 lashes [the "number prescribed by law] at any one time, and that I "have only given her three times since the beginning of the "night;" adding, "that he would flog her to death for all "any one, and would have given her the fourth 39 before "morning!"

But he must repeat it, this plan of amending the situation of the slaves, and securing their good treatment by laws, was not inefficacious only, but unsafe. He entered his protest against the fatal consequences which might result from it, and called on those who were most immediately interested in the question, to lend their serious attention to his argument. The negroes were creatures like ourselves: they had the same feelings, and even stronger affections than our own; but their minds were uninformed, and their moral characters were altogether debased. Men, in this state, were almost incapacitated for the reception of civil rights. In order to become fit for the enjoyment of these, they must, in some measure, be restored to that level from which they had been so unjustly and cruelly degraded. To give them a power of appealing to the laws, would be to awaken in them a sense of the dignity of their nature. The first return of life, after a swoon, was commonly a convulsion, dangerous at once to the party himself and to all around him. Such, in the case of the slaves, Mr. Wilberforce feared might be the consequence of a sudden communication of the consciousness of civil rights. This was a feeling it would be dangerous to impart, till you should release them from such humiliating and ignominious distinctions, as, with that consciousness, they would never endure. You must conduct them to the situation in question, having first prepared them for it, and not bring the situation to them. To be under the protection of law, was, in fact, to be a freeman; and, to unite slavery and freedom in one condition, was a vain attempt; they were, in fact, incompatible, and could never coalesce. With this system,

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which he thus condemned, he wished to contrast the abolition, which was exactly such an agent, if he might so express himself, as the nature of the case required. All hopes of supplies from the Coast being cut off, breeding would henceforth become, what it had never been before, a serious and general object of attention, the effects of which would not be confined merely to those greater articles of better feeding and milder discipline, but would extend to innumerable other particulars, which an act of Assembly could neither specify nor enforce. Whatever might be said to the contrary, or whatever might have prevailed in the case of liberal or opulent men, it was plain too many had gone upon the system of working out their slaves in a few years, and recruiting their gangs with imported Africans. The abolition would give the death blow to this system. The opposite one, with all its charities, would force itself on the most contracted and unfeeling heart. Ruin would stare a man in the face, if he did not conform to it. The sense of interest, so much talked of, would not, as heretofore, be a remote, a feeble, or even a dubious impulse; but a call so pressing, loud, and clear, that its voice would be irresistible. But its grand excellence was, that it would stand between the absentee master and his slaves, and secure to them the effects of his benevolent intentions. Managers would henceforth be forced to make breeding the prime object of their attention; and every non-resident owner would express himself in the terms of Sir Philip Gibbs, "That he should consider it as the fault "of the Manager, if he did not keep up the numbers." This reasoning, considering the dangerous tendency of the one system, and the happy consequences of the other, appeared to Mr. Wilberforce almost self-evident. Facts were not wanting, however, to confirm the truth of it. It had been remarked by the historian of Jamaica, that insurrections almost constantly owed their rise to the African slaves, who, not having lost the consciousness of civil rights, which they had enjoyed in their own country, could not brook the indignities to which they were subjected in the West Indies. The effects broke out in general rebellions, or appeared in particular acts of suicide, of which last, though frequent among the African negroes, he did not recollect to have ever heard of a single instance among the Creoles. The safety of his system had been tried already in this relation; for it was universally agreed, that the treatment of the slaves had been gradually growing better, and insurrections had been less frequent in the same proportion. An instance, in point, was afforded by what had lately taken place in the island of Dominica. It was notorious, indeed, that the disturbance had chiefly arisen from some runaway slaves from the French

iſlands; a circumſtance which, as appeared from the Report of the Privy Council, had producèd the ſame conſequences ſeveral years before; but, ſo far as any cauſe connected with treatment was concerned, what was that cauſe, and what was the object on which the diſſatisfaction of the ſlaves was ſaid to have faſtened? What, but that they were not allowed the full time of receſs from labour to which they had a legal right? and the quieting effects of mild treatment appeared in this, that the ſlaves of ſome perſons who had been treated with kindneſs, were not among the number of the inſurgents. He could not help adding, that he thought his doctrine, that the ſlaves muſt owe their comforts to the maſters' indulgence, rather than to the protection of law, had been, in a conſiderable degree, ſanctioned and verified, even in the iſland of Jamaica; for, all the laws for the protection of ſlaves, which had been formed into one conſolidated act, having expired in 1784, and the Aſſembly, owing, as was alledged, to "preſſing buſineſs," not having revived it till 1787, during the whole period of three years the ſlaves were altogether deſtitute of the protection of all thoſe ſo much boaſted ſtatutes; and yet we do not hear that they were, in any degree, better or worſe off than when theſe continued in force.

But when gentlemen coolly talked of putting an end to the ſlave trade, through the medium of the Weſt-India Legiſlatures, and of gradual abolition, by the means of regulations, they ſurely forgot the continent of Africa, and the miſeries which this horrid traffic occaſioned there, during every moment of its being allowed to continue. This conſideration was concluſive on his conduct, when called on to decide, whether the ſlave trade ſhould be tolerated for a while, or immediately put an end to? The Divine law againſt murder was abſolute and unqualified, and precluded, with him, every conſideration of expediency. Whilſt, ſaid he, we were ignorant of all theſe things, our ſuffering them to continue, might, in ſome meaſure, be pardoned; but now, when our eyes are opened, can we tolerate them for a moment, much leſs ſanction them, unleſs we are ready at once to determine that gain ſhall be our god, and, like the heathens of old, are prepared to offer up human victims at the ſhrine of our idolatry?

This conſideration precluded alſo the giving heed, for an inſtant, to another plea which had been often urged and inſiſted on, that if Great Britain were to aboliſh this trade, it would be proportionably taken up by other nations; for he muſt add, that he could by no means conceive that this was likely to be the caſe. If, in this country, where the means of information were ſo generally diffuſed, the evils of this

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detested commerce were never before laid open to the view, what wonder if, in other countries, where these means are extremely deficient, these evils were unknown? And was it fair to infer, from edicts and proclamations encouraging the trade, which were passed in this state of ignorance, that they would not, at once, revoke them, when their eyes should be fully opened to its enormities? He would not so vilify and calumniate the character of other nations, as, even for a moment, to give place to the contrary supposition.

But it became Great Britain, in every view, to take a forward part. One half of this guilty commerce had been carried on by her subjects.—As we had been great in our crime, let us be early in our repentance. If the bounty of Providence had showered its blessings on us in unparallelled abundance, let us show ourselves grateful, as we ought, for the blessings we enjoyed, by rendering them subservient to those purposes for which they were intended. There would be a day of retribution, wherein we should have to give an account of all those talents, and faculties, and opportunities, with which we had been entrusted. Let it not then appear, that our superior power had been employed to oppress our fellow-creatures, and our superior light to darken the creation of God.—He could not but look forward, with delight, to the happy prospects which opened themselves to his view in Africa, from the abolition of the slave trade, when a commerce, justly deserving the name of commerce, should be established with her, not like that, falsely so called, which now subsisted, and which all who are interested for the honour of the commercial character, though there were no superior principle, should hasten to disavow. Had this trade, indeed, proved ever so profitable, his decision would have been in no degree affected by that consideration. "Here's "the smell of blood on the hand still, and all the perfumes "of Arabia cannot sweeten it."

He doubted whether it was not almost an act of unbecoming condescension to stoop to discuss the question in the view of commercial interest. On this ground, however, he was no less strong than on every other. Africa abounded in many productions of value, which she would gladly exchange for our manufactures, when these were not otherwise to be obtained: and, to what an extent her demand might then grow, exceeded almost the powers of computation to appretiate. One instance already existed of a native king, who being, by his religion, debarred the use of spirituous liquors, and therefore not feeling the irresistible temptation to acts of rapine, which they afforded to his countrymen, had abolished the slave trade, throughout all his dominions,

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and was encouraging the arts of honest and bloodless industry.

For his own part, he proceeded to declare, that interested as he might be supposed to be in the final event of the question, he was comparatively indifferent as to the present decision of the House. Whatever they might do, the people of Great Britain, he was confident, would abolish the slave trade, when, as would now soon happen, its injustice and cruelty should be fairly laid before them. It was a nest of serpents, which would never have endured so long, but for the darkness in which they lay hid. The light of day would now be let in on them, and they would vanish from the sight. For himself, he declared, that he was engaged in a work he never would abandon. The consciousness of the justice of his cause would carry him forward, though he were alone; but he could not but derive encouragement from considering with whom he was associated. Mr. Wilberforce added, let us not despair; it is a blessed cause, and success, ere long, will crown our exertions. Already we have gained one victory; we have obtained, for these poor creatures, the recognition of their human nature, which, for a while, was most shamefully denied. This is the first fruits of our efforts; let us persevere, and our triumph will be complete. Never, never will we desist till we have wiped away this scandal from the Christian name, released ourselves from the load of guilt, under which we at present labour, and extinguished every trace of this bloody traffic, of which our posterity, looking back to the history of these enlightened times, will scarce believe that it has been suffered to exist so long a disgrace and dishonour to this country.

Mr. Wilberforce then moved, "That the Chairman be "instructed to move for leave to bring in a bill to prevent "the farther importation of slaves into the British colonies "in the West Indies."

Colonel Tarleton.

Colonel *Tarleton* declared, that gratitude towards those constituents who had sent him so honourably to that House, as well as a thorough conviction of the justice of their cause, impelled him to vindicate their character and property, although, perhaps, from experience, or inability, he might not be able to accomplish what he so ardently desired. The ingenuity, the amplification, and the pathetic eloquence, of the honourable gentleman, having worked no conviction on his mind, he should proceed to arrange the arguments he had to offer against the abolition of the slave trade. So many branches of the commerce of this country were connected and interwoven with the question, that it would be necessary to make statements, form several calculations, and read various extracts, to elucidate the subject. Throughout the

the whole of what he had to say, he should aim more at perspicuity than embellishment, and labour rather to convince the understanding than bewilder the imagination.

Before he entered upon any part of the subject, he thought it necessary, for the sake of clearness, and to prove to gentlemen, that he did not mean to evade or blink any strong part of the question, to enumerate the different heads upon which he was about to speak. He said, he should state the beginning of the trade, the sanction given to it by Government, the manner of conducting the trade on the coast of Africa, the transit to the West Indies, the employment and treatment of the negroes in the West Indies, the amount of the property engaged in the trade, the value of the West-India islands to this country, the eagerness which other nations have discovered to enlarge their slave trade, and the importance of the trade as a nursery for seamen. He then went into an historical account, from the reign of Queen Elizabeth down to the present time, quoting his authority, and dwelling some time on this part of the subject.

Colonel Tarleton next came to the sanction of Parliament, which had always countenanced the trade, and could not, without a breach of faith, be withdrawn; and here he recollected what had fallen from a right honourable gentleman on a former occasion, and which he thought applicable to those concerned in the African trade; it was, that upon no occasion, short of absolute necessity, ought private property to be seized by public acts, without giving a compensation. The Colonel contended, that the Africans themselves had no objections to the trade; and many people who were prejudiced against it, had been led away by mistaken humanity, and often by misrepresentation. With regard to the number of deaths which happened on the passage, he had access to examine, and could distinctly state to the Committee, that they never had exceeded in the Liverpool ships, on an average, five out of a hundred, whereas, in regiments sent to the West Indies or America, the average was about ten and a half in the hundred.

Many attempts had been made to cultivate the lands in the different islands by white labourers; but it was experienced, that from the difference of climate, and other causes, population had decreased, and that those who took the greatest pains to accomplish this, found that, in ten years time, they could not have any proportion of whites at all capable of purposes of cultivation. He therefore agreed in the necessity of the slave trade, if we meant to carry on the West-India commerce and cultivation; and he quoted the opinions of Governor Parry, Admiral Hotham, Commodore Gardiner, Sir Archibald Campbell, and a long list of respectable names,

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in support of the position which he had laid down. Next, he gave the opinion of that gallant officer, Lord Rodney, respecting the great advantage which accrued to the navy, upon the breaking out of a war, by having so numerous a body of mariners, inured to the climate, when we wish to send a fleet to the West Indies; a circumstance worthy of attention. And from Liverpool alone, he said, the navy might be supplied with 993 seamen annually, from the best calculation that could be made; an object which certainly ought not to escape the notice of a wise Government.

Colonel Tarleton next remarked, that having received the indulgence of the House, during various statements, which, perhaps, had nothing of novelty in them, but which were indispensably necessary, and which he had endeavoured to render as concise as possible, he would not much longer trespass on its patience. It could not, however, he trusted, be deemed superfluous, if he mentioned some circumstances to the House which he might have omitted, or which he had not sufficiently enforced to attract its attention. He could wish gentlemen to advert to the property and connections dependent on the African trade; as much dependent on the African trade, to use the language of a nervous and elegant writer, as a "bird is on its wing for food, and when wounded there, it starves!" He could wish to impress gentlemen strongly with the recollection of the sanction which the African trade had obtained from Parliament. He could wish to remind them of the length of time the question of abolition had been pending in that House. He could wish to give as much assistance as lay in his power, which he acknowledged to be extremely feeble, to accelerate that adjudication which had been so often, and so earnestly, entreated by the numerous merchants and manufacturers of this country, whose interest had been materially injured by procrastination: and he trusted that he could not make a futile appeal to that House, when he called upon its justice to extend an immediate vote of protection to the West-India planters, whose lives had been, and were, exposed to imminent and hourly danger, and whose property had undergone a severe and unmerited depreciation, notwithstanding the existing laws of this country, for the inquisitorial powers vested by the constitution in this House. To what could gentlemen ascribe that depreciation? To what could they impute the late insurrection at Dominica? which island the Governor lately pledged himself to hold in subjection, without the assistance of the military, but which was lately saved, from horrid carnage and midnight butchery, by the adventitious presence of two British regiments? To what, he repeated, could gentlemen impute this insurrection, but to the question of abolition? And, after a tedious

tedious investigation on that question for near four years, he could not discover the slightest reason to justify delay, except gentlemen could not prevail upon themselves to decide, before an insurrection had absolutely taken place at Jamaica, when the sorrow, he had almost said the penitence, of the mover and abettors of the abolition, and the interference of that House, would be equally unavailing.

To gentlemen of great landed property, it was unnecessary for him to point out the tendency and probable effect of the proposed abolition. If he possessed all the eloquence and ingenuity in that House, with those powerful auxiliaries, he should not be able to convince them, that the abolition would lessen the national debt, increase the commerce of the country, or take one fraction from the oppressive taxes they now endured: but he believed they would give him credit, inexperienced as he was in that House, when he plainly advanced, that it would have a direct contrary effect; when he asserted, that the authors and abettors of the abolition endanger their honour, their property, and their happiness; and when he inferred, that the Minister, not being taken by surprise, must be supposed to have some capital resource in store, either from some novel calculation that the land tax would bear an additional burden, or from some inexhaustible source of unclaimed property, which had hitherto escaped the vigilance of his predecessors in office, and would compensate to the Public for such a diminution of the trade, and consequent defalcation of the revenue of the country.

To the mercantile part of the House he must likewise use language, which, he was sorry to say, seemed consonant to the feelings of the authors and abettors of the abolition.— "Gentlemen, your success in trade has of late years been so "prodigious, that it seems necessary to suspend your acti"vity, by cutting off one of the principal branches of your "commerce, for the sake of humanity and the honour of the "nation. You are to have no farther respect for, or future "confidence in, acts of Parliament. The sanction of the "Legislature is nothing. A few of the Ministerial side of "this House have been gifted with religious inspiration, and "the revelation has been extended to certain eminent per"sonages on this side of the House; and these enlightened "philanthropists have discovered, that it seems necessary, "for the sake of humanity, and the honour of the nation, "that all British merchants concerned in the African trade, "should have their designs harrassed, their property injured, "and their reputation traduced; notwithstanding such per"secution must undoubtedly foster, encourage, and ag"grandize the surrounding nations of Europe, who rival "Great Britain in her commerce and in her navigation."—

As the superstition and bigotry, in the thirteenth, fourteenth, and fifteenth centuries, which, during those dark, ignorant, and barbarous ages, threw down every barrier erected by reason and by justice, in the name of Heaven, let not a mistaken humanity, in these enlightened times, furnish a colourable pretext for any injurious attack on property or reputation.

But if all the authorities which he had adduced were doubtful; if his premises were fallacious; if some of the circumstances of crueltry were proved, which the abolitionists have only asserted, and which, fortunately for this country, and happily for human nature, were unfounded, he thought himself guilty of a rash and impolitic measure in voting for the abolition, if he took only a cursory glance at the finances of England, and her relative situation with Europe. He could not bring himself to think this a convenient time, the country in an eligible situation, or the Minister serious in his inclination to make an experiment which presents a certain prospect of loss, and no probability of advantage. An abolition would instantly annihilate a trade, which annually employs upwards of 5,500 sailors, upwards of 160 ships, and whose exports amount to 800,000l sterling. And the same experiment would undoubtedly bring the West India trade to decay, whose exports and imports amount to upwards of 6,000,000l. sterling, and which gives employment to upwards of 160,000 tons of additional shipping, and sailors in proportion; all objects of too great magnitude to be hazarded on an unnecessary speculation, which, in all human probability, would prove ruinous to the commercial consequence, to the national honour, and the political glory of Great Britain.

Mr. Grosvenor

Mr *Grosvenor*, having prefaced his speech with many compliments to the humanity and good intentions of the honourable mover, said, that he had read only the Report of the Privy Council, for he wanted no other evidence, and it appeared to him, from the delay of two years, that the honourable gentleman himself must have great doubts of the propriety of his motion; for, if it was so clear a point as it was declared to be be, it could not have needed either so much evidence or so much time. Mr. Grosvenor remarked, that he had heard a great deal of kidnapping slaves, and of other barbarous practices. He was sorry for it; but it should be recollected, that these things were the consequence of the natural law of Africa, and that instead of declaiming against it, we should endeavour, like wise men, to turn it to our own advantage. Gentlemen had displayed a great deal of eloquence in exhibiting, in horrid colours, the traffic in slaves. He acknowledged it was an unamiable trade, so also

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were many others; the trade of a butcher was an unamiable trade, but it was very neceſſary, notwithſtanding. He could not help thinking there was great reaſon to doubt the propriety of the motion; and the more he conſidered the ſubject, the more was he perſuaded that it was an improvident and unwiſe meaſure. Mr. Groſvenor added, that he would endeavour to explain the nature of his objections to the motion, by introducing a ſtory. When the Duke of Marlborough was abroad, the Commander of a garriſon, which he viſited, made an apology for not ſaluting his Grace, according to the cuſtom, aſſuring him he had one hundred reaſons to aſſign for not doing it. The firſt of which was, that he had no cannon; upon which the Duke immediately anſwered, that he would excuſe him the other ninety and nine. In the ſame manner, obſerved Mr. Groſvenor, "I have twenty "reaſons for diſapproving the abolition of the ſlave trade; "the firſt of which is, that the thing is impoſſible; and "therefore I need not give the other nineteen." Parliament could not aboliſh the trade; they might relinquiſh it; but to whom? To France, Spain, and Holland, and other countries, who would take it up, and ſhare it among them; ſo that the trade would be ſtill continued, and without the humane regulations applied to it by the Engliſh.

In concluſion, Mr. Groſvenor quoted a ſaying of the late Alderman Beckford, on the origin of the American war, when he cautioned the Houſe againſt it: "Meddle not with "troubled waters," ſaid the Alderman, "they will be found "to be bitter waters, and the waters of affliction." Mr. Groſvenor repeated, that he muſt acknowledge that the ſlave trade was an unamiable trade; but he would not gratify his humanity at the expence of the intereſts of his country, and he thought we ſhould not too curiouſly enquire into the unpleaſant circumſtances with which perhaps it was attended.

Mr. Martin.

Mr. *James Martyn* obſerved, that whoever had lived to any advanced age, muſt be well aware to what a conſiderable degree a miſtaken ſelf-intereſt could darken the underſtanding, and pervert the judgement, even of the beſt-meaning perſons. He had often, with much concern, obſerved, how very pernicioully this bias operated to the detriment of ſociety, and to the diſgrace of mankind; but he was not apprized of the full power of this deluſion of the mind, till the buſineſs now before the Committee began to be the ſubject of public diſcuſſion. He had always conceived, that the cuſtom of trafficking in human creatures had been incautiouſly begun, without its dreadful and neceſſary conſequences being foreſeen; for he never could perſuade himſelf that any man, under the influence of moral principles, could ſuffer himſelf, knowingly, to be carrying on a trade replete with fraud,

cruelty, and destruction. He said, destruction, for so he thought; and he thought, also, that the destruction introduced and occasioned by this most shocking trade, was of the blackest and most inhuman species; inasmuch as it was a lingering death, which, instead of putting an end to the misery of the sufferers by a speedy stroke, not only afflicted and tortured the body, but, by depriving the wretch of all the dearest comforts of life, harassed the mind, till nature, sinking under grief and despair, kindly granted that relief which the tyrant master, for the sake of his own private, but much mistaken, self interest, would deny. But, he observed, it was clear to every person of accurate observation, that those who blindly and immediately listened to the suggestions of a narrow self-interest, did really thwart and counteract that interest to which they were ready to sacrifice every just, noble, and public principle.

He said, that it was well observed, in the excellent petition from the University of Cambridge to that House, against the slave trade, that, "a firm belief in the Providence of a "benevolent Creator, assures them that no system founded "on the oppression of one part of mankind can be beneficial "to another." He felt much real concern and mortification that, in an assembly of the representatives of a country, boasting itself zealous, not only for its own liberties, but for the general rights of mankind, it should be necessary to say a single word on such a subject; but, from the sentiments he had heard in various conversations, very much to his surprise, it appeared, that, however strongly the sense of truth and justice was impressed on the minds of unprejudiced persons, the deceitfulness of the human heart was such, as to change the appearances of truth when it stood in opposition to self-interest, as self-interest is often unfortunately misunderstood.—He verily believed, that there was hardly any thing so execrably unjust and cruel, that men, who are thoroughly selfish and avaricious, would not bring themselves to believe to be right and defensible and would not, consequently, adduce specious and sophistical arguments to support; but he trusted, that every honest man would treat such arguments with the contempt and indignation which they deserved, and that Britain, as a wise and virtuous nation should, would hold fast and cling to the eternal and universal principles of truth, justice, and humanity.

He lamented that he had heard doctrines maintained, which seemed to have been received for times the most flagrantly profligate and abandoned; but he trusted that such doctrines would not be received, or even offered in that assembly. He never expected to hear that the everlasting laws of righteousness were to give way to imaginary political

cal and commercial expediency, and that multitudes of our fellow creatures, several scores of thousands annually, were to be reduced to the most wretched of all states, that individuals might enjoy a greater degree of opulence, or that the state might collect somewhat more for its revenue. These considerations, compared with the sacred and eternal rules of justice and mercy, were so trifling, that he trusted they would have no weight whatever, when opposed to them; and he could not but be very sanguine in his hopes of success to the measure proposed by the worthy mover, when he considered, that from the goodness of his cause, he must necessarily have the countenance and support of the most respectable bodies of men, as well as of many individuals of almost every description, as he should now endeavour to show.

However, Mr Martin said we might have differed in party opinions concerning certain high and distinguished characters, he believed that all would allow the first persons of royal dignity in this country to be of merciful and benevolent dispositions, and that they had inspired those descended from them with the fine sentiment of humanity and generosity. This being so, we might justly entertain the warmest hopes of the countenance and support of every part of the Royal family. Both Houses of Parliament were now engaged in the trial [illegible] of a gentleman accused of cruelty and oppression in [illegible] degree. He feared that some of the charges brought against that gentleman might be too well founded; but so far as appeared to him, in regard to the exercise of any cruelties brought home to him, they were neither to be compared in number or degree to those which were every day and every hour, committed in the abominable traffic, the abolition of which was now under discussion.—Of the reverend bench of bishops, who were, by their doctrine and example, to render Christianity amiable, and to recommend it to the world, he must not be permitted to doubt on this occasion; and some of the inferior Clergy had already manifested an honest zeal in this most righteous cause.—The University of Cambridge had presented a petition to that House worthy the attention of every well-wisher to humanity; and the sister University had, by the mouth of one of her respectable representatives, given a sanction to the measure.—Dissenters of various denominations (particularly the Quakers, who, upon this occasion, to their immortal honour, had taken a leading part) vied with some of the most respectable of the established church, standing forth in this excellent cause.——We had, for many years, and, Heaven knows, with too much reason, been hearing violent accusations of delinquents from India. Surely the accusers of such delinquents would be eager, upon this occasion, to

show that they had been actuated by the pure principles of humanity, without party spirit or other unworthy motives. Particularly, he should much confide in those gentlemen, who, as managers of the prosecution against Mr. Hastings, had exhibited such astonishing eloquence, as, perhaps, was never excelled, or even equalled. The same powers of eloquence, exerted in a cause at least as worthy, must bear down all obstacles or resistance, and defeat every opposition which narrow and mistaken self interest could raise against the measure. Some of the greatest trading towns in this country had declared for the abolition, in which they had been joined by many of the first counties in weight and consequence, particularly by that county of which the honourable mover is one of the representatives. The county of York had always been, and, he trusted, ever would be, forward to take the lead in every public measure in which the general rights of mankind were interested. He was persuaded, that the wishes of that distinguished county upon this, as upon every occasion, would be powerfully supported by its two excellent representatives.

With so much good support, and so good a cause, it must be impossible to fail.—Let but every man stand forth, who had, at any time in his life, boasted, as an Englishman, of a superior regard to the general rights of nature and mankind, and who had pretended at least, to despise other nations as being defective in such regard—and we should most assuredly succeed; but if it were otherwise, we must have a most shameless effrontery, if we should ever after pretend to the character of real Christians, or Britons, or indeed of men of such general moral principles as should govern every human being, of whatever country or religion.—Indeed, as Britons, and especially as the representatives of a people priding themselves in, and perpetually boasting of, liberal sentiments towards all mankind, we should be particularly cautious, and even extremely anxious, to avoid the smallest appearance of any unjust and tyrannical principle. But how distinguishingly hypocritical should we appear, if, instead of defending the rights of the oppressed, we should be the leaders in oppression and cruelty, or at least wait for the example of those whom we accuse of being tyrannical, before we checked and stopped the arm of tyranny, which had been too long violently wielded over our fellow-creatures?

We who were tenacious to excess, if it were possible, of our rights, and manifested the hottest indignation even at the smallest personal insult, (particularly if it were offered by the hand of Government)—we, who had punished tyrants of the highest rank in this country—were we to suffer innocent creatures to be whipped, scourged, and tortured without

out discretion, without control, without trial, and without law? In short, if we had any regard to national reputation, let us not add the most shameful and abominable hypocrisy to guilt and infamy, by exercising tyranny of the blackest kind, and affecting, at the same time, the keenest indignation at every exertion of power amongst ourselves which was not strictly and perfectly legal. He was so far from condemning the jealousy of illegal power amongst ourselves, that it had his highest applause—but he could wish, that the same laudable principle should be exerted, in its fullest extent, towards the rest of mankind. While we could hardly bear the sight of any thing resembling slavery, even as a punishment, among ourselves, should we countenance the exercise of the most despotic power over millions of creatures, who, for aught we know, were not only innocent, but meritorious?

It has been frequently, but most disgracefully, said, by the advocates for the continuance, or at least by those who were not very zealous for the abolition, of this commerce, that we should not be too eager in setting the example; but that we should wait for the French, or other foreigners, to take the lead in this business. How far such a sentiment was consistent with the ancient, noble, and generous character of this nation, and with the high opinion we were apt to entertain of our national honour at this time, he would leave to the judgement of every impartial person. But he must flatter himself, that we should rather have been eager to be first in so good a cause, and that we should rather have been fearful of being anticipated by those whose principles, in regard to the rights of mankind, we had not been accustomed to hold in very high respect. If any nation was to be foremost in such a matter, which was most bound to take the lead, such as pretended, and proudly too, to a vast superiority over the rest of mankind in their civil rights, or such as they had always affected to despise for abject submission and the meanest servility? If we should set this good example, and not be followed by other European nations, let the guilt and infamy of such a system lie heavy on those, who, in that case, would continue to act upon it, in spite of example, added to the dictates both of reason and religion.

Surely, continued Mr. Martin, this motion came recommended to us in the strongest manner. The honourable gentleman who introduced it, was justly esteemed for the respectability of his character. He was one of the representatives of a county, which, as he had said before, (but which, for its credit, could not be mentioned too often) had always manifested a readiness to take the lead in every public measure, for the good of the community, or for the general benefit

nefit of mankind. If this buſineſs had been in hands leſs able and leſs reſpectable, he ſhould now particularly have much regretted the loſs of one of the honourable gentleman's predeceſſors in the repreſentation of Yorkſhire, who, he was ſure, upon this occaſion, would have eagerly diſplayed that ardent zeal for the unalienable rights of all his fellow-creatures, which was one of the chief characteriſtics of that moſt excellent citizen, but, he was perſuaded, that, as the preſent repreſentatives of the county of York had been worthy followers of that bright example, ſo, on this moſt intereſting occaſion, they would burn with the ſame ardent zeal for relieving the diſtreſſed, which animated the breaſt of that moſt incomparable man. Would to Heaven, that every Member of the Britiſh Parliament would look up with reverence to that illuſtrious pattern! Let them follow his footſteps in the purity of their conduct, in their love of juſtice, mercy, and truth, and in the univerſal rectitude of all their meaſures. If they did this, they would pay the ſame tender regard to the rights of other countries as to their own; and, for his part, he ſhould never believe thoſe perſons really ſincere, who were loud in their profeſſion of love to liberty, if he ſaw that love confined within the narrow circle of one community, which ought to be extended to the natural rights of every human inhabitant of the globe.

We ſhould be more able to bring ourſelves up to this ſtandard of rectitude, if we earneſtly endeavoured to imagine ourſelves in the ſituation of thoſe who are oppreſſed, and then ſeriouſly conſider what we ſhould think of ſuch as would wiſh to eſtabliſh a juſt and equitable ſyſtem of morality in regard to themſelves, and one of another kind towards thoſe, whom, for certain reaſons, they might erroneouſly think it their intereſt to oppreſs — But, he added, let us not deceive ourſelves ſo groſsly, as to imagine, that it is our real intereſt to oppreſs any of our fellow-creatures The advantages to be obtained by oppreſſion and tyranny were imaginary and deceitful to the oppreſſor and the tyrant — and the evils they cauſed to the oppreſſed, were heavy, grievous, and many times inſupportable.

Before he ſat down, he would beg leave to obſerve, that if, in delivering thoſe ſentiments which he had preſumed to offer to the Houſe, he ſhould appear to have expreſſed himſelf in any way too ſtrongly, or with too much vehemence, he freely truſted to the candour and fairneſs of gentlemen for giving him the credit of not wiſhing or meaning to ſay any thing violent or offenſive. But he muſt declare, that he ſhould think moſt contemptibly of himſelf, could he mention the enormities of the ſlave trade, without a very conſiderable degree of emotion and reſentment; nevertheleſs, he

 would

would wish that it were perfectly understood, that this resentment went only to the principles and consequences of the trade itself, without any ill-will towards the persons concerned it it. Many of those persons, from peculiar situations, and from circumstances, perhaps almost unavoidable, might be involved in it, and probably much to their concern and discontent. Such persons, he doubted not, from use and habit, saw it in a very different light, however, from others. If a person, being betrayed by his feelings into an unbecoming degree of heat, in such matters as relate solely to his own selfish interests, was pardoned for such an offence, he surely had a juster claim to liberal allowance, whose feelings were excited by the wrongs of others, with whom he had only that general connection, which, however, ought strongly to be felt by every human creature.

He could feel no grievance whatever from the continuance of the slave trade; and he therefore trusted, that there would be a disposition to excuse any excess which could have been occasioned only by that pity which he felt for others. He was aware but of one unworthy motive to which his conduct, as well as that of many other individuals, upon this occasion, might be attributed—He meant the ostentation and parade of virtuous and worthy sentiments. Now, he must beg leave to remark, that it appeared to him that there is no one good action which could be performed in life that might not be attributed, by suspicion or malevolence, to that particular motive. Men might always insinuate, that vain-glory was the cause by which individuals were induced to actions apparently good; but that matter must be decided between Heaven and the consciences of those persons whose conduct was suspected, or perhaps maliciously accused, even without suspicion; and if the general tenor of a man's life did not fairly lead to suspicion that he was hypocritical or ostentatious, it was surely highly uncharitable to impute to him such a disposition without sufficient grounds; and it was moreover of most pernicious consequence to the public, as a great discouragement to men from acting meritoriously, when they not only lost the credit of so acting, but were accused of doing that which was right in itself, merely for the sake of public and popular applause. If, notwithstanding this remark, he should be so unhappy as to draw upon himself, by the part he had taken in this business, that harsh and undeserved censure which he wished to deprecate, he must endeavour to satisfy himself with the consciousness of his own fair intentions, and his most sincere unwillingness to give offence to any one—and with declaring, that as he did not pretend to judge of the feelings of other men's minds, so he must protest, that seeing this matter in the light he did, he should esteem

esteem himself one of the worst of men, did he not exert every means in his power perfectly to abolish such abominable wickedness. If, in attempting to forward this abolition, he showed the weakness of his ability, he must console himself with the consideration, that he felt more solid comfort from sound public principles and consistent conduct therein, than he imagined he should do from the exertion of any the most brilliant faculties with which he might have been blessed.

He had only to conclude with giving his hearty assent, in the most public manner, to the present motion, and with imploring the blessing of Heaven on every honest and earnest endeavour for the attainment of its perfect and complete success. Mr. Martin added his tribute of sincere thanks to the honourable gentleman who had made the motion of that day, and to those honourable gentlemen who had assisted him in the prosecution of this business. He was very certain that they deserved the thanks of that House and the Public, and that when this matter should be thoroughly understood, they would receive those thanks in the fullest and sincerest manner.

Mr. Burdon.

Mr. *Burdon* remarked, that the honourable gentleman who moved the question had, in a great measure, met his ideas. He considered himself as very much in his hands; but he wished to go gradually, and not so much at once, to the question of abolition. He wished to give time to the planters for taking such measures as would keep up their stock; and he feared lest the immediate abolition might cause a monopoly among the rich planters, to the prejudice of the less affluent. We ought, like a judicious physician, to follow nature, and promote a recovery which should be gradual. He wished, therefore, for some motion short of abolition.

Mr Francis.

Mr. *Francis* said, he should have contented himself with giving his vote for the motion, but for some considerations which were personal to himself, and by which he thought himself particularly called upon to deliver his opinion on the present occasion, not implicitly by a vote, but expressly by declaration. He believed he was not very likely to be suspected of receiving with special favour and partiality, any measure introduced and recommended from the other side of the House; that, in his own situation in private life, every motive, by which the conduct of men is usually determined, was united on one side, and powerfully pressed upon him, to engage him to take part this night, against his opinion. Connections of every sort; friends who were dear to him, and who thought their fortunes were at stake; solicitations the most urgent, from persons to whom he was bound by many ties; and possibly, the prospect of advantage to him-

self

self or to his family at a future day, to be forfeited or preserved; all these were in one scale, and nothing in the other, but the justice of the cause, and the protection of creatures, who would never know that he had endeavoured to serve them, or whose gratitude could never reach him. That he did not state these circumstances for the sake of ostentation, or as a claim to merit, but to fortify his cause, by shewing that his opinion was sincere. Sir, I do not intend to go far into the general subject. If the undisputed state of facts; if the clear and able argument delivered by the honourable gentleman, who takes the lead in this business, has not carried conviction along with it, I must conclude that truth and reason on this subject have no access to the human mind. Many gentlemen, indeed, have asserted what they have by no means established, and what, upon the whole, I utterly disbelieve, that this trade is *profitable*; but no man has yet had the courage to affirm, or even to insinuate, that it is not *criminal*. The question then is not, whether the trade be criminal, but in what degree? Is it a crime of the highest guilt in morals, or is it in practice capable of palliation? will it admit of an excuse? No, Sir; I declare upon my honour and my conscience, none, I pass by the traffic, as it is conducted on the coast of Africa, the temptation you give to one human creature to make a property of another, and to sell him to perpetual slavery. I take no notice of the miseries it produces in that country. Remember only, that whatever they are, you are answerable for them all. You create the market, and it is the market that constitutes the demand, and produces the supply. I shall not insist upon the horrors of the Middle Passage; you do well to pass over them with disregard. The most determined mind, the most obdurate heart, if it be human, could not listen to the evidence on that subject, without torture. I take these creatures in that which is stated to be their best situation; at their landing in the islands; at their arrival in the land of promise, where they are instantly to find relief from their sufferings; where, in return for a moderate degree of labour, a tolerable mode of existence is provided for them. You say you have paid for them; that they subsist at your expence, and that you have a right to their labour. Be it so. On that principle, let us see how they are treated. In considering the state of slavery in the West Indies, the object which instantly strikes my mind with a force and conviction, to which the evidence of special facts hardly makes an addition, is the power of corporal punishment, allotted as I find it. I do not ask you to enquire in what manner this power is exercised, but how it is disposed of, and to whom it is trusted, and then to determine what must be the effect of it. They know nothing of

of the human constitution, who have not observed, that power of every sort of one man over another, has a natural tendency to deprave and corrupt the mind. The moment I hear of such power, uncontrolled, in any hand, I conclude that the depravity is unlimited. The actual exercise of it, in the infliction of punishment, assuredly introduces that worst and most odious of all disorders in the moral system, personal cruelty. The truth of these principles is acknowledged by the spirit and caution of our penal laws in every other instance, by the care they take, in all criminal proceedings, to separate the interest from the judgement, and the judgement from the execution. They will not suffer such characters and powers to be united in one person; nor are they united in any civilized society upon earth, except in our West-India islands. What are the usual offences imputed to the negroes? In ninety-nine instances out of a hundred, they are either idleness or theft. They do not work hard enough to satisfy the task-master, (and why they should work at all, I know not) or they steal provisions. The thing they can eat is the only thing worth their stealing. Food is the only object of theft which it is in their power to conceal, or that could possibly do them any service. Consider the risk they run, the horrible punishments they suffer when detected, and then you may conceive in what manner they are fed. But, in the consideration of these offences, who is the offended party?—The negro driver. Who is the judge of the fact? The driver. Who awards the punishment? The driver. Who inflicts it? The driver with his own hand. But how? Captain Giles, of the army, says, that "the punishment "by whipping, though with fewer lashes given, is more se-"vere and cruel than that of the army, because of the size "of the whip." Captain Hall, of the navy, says, "that "in Barbadoes and the Leeward Islands, the treatment of "the negroes on the plantations was inhuman; that the "punishments inflicted were very shocking to persons not "used to see them; much more so, than on board a man of "war. The field slaves he has seen, (a great many) were "generally marked with the whip." This is the *mode* of punishment. What is likely to be the degree of it? An angry man determines the penalty; an offended judge inflicts it; and he, perhaps, by office, by habit, and occupation, one of the lowest, if not worst of our species. If you cannot have an indifferent judge of the offences of these wretches, at least let there be a cold, indifferent executioner. It is a horrible truth, that when once the lash is lifted by an angry man, with despotic power over the object, his rage is inflamed by every stroke he gives. The cries and writhings of

the creature are called resistance; even his patience is called sulkiness; even his sufferings are an offence. The decrees of passion are executed by passion. Admitting the power to be necessary, is there any protection against the abuse of it? Have the negroes any shelter? Have they any appeal? Is there a law to deter, is there a magistrate to resort to?— No, Sir; none at all. Mr. Terry, who was many years an overseer in Grenada, says, "that he has known slaves pu- "nished by managers severely for trifling faults; that they "durst not complain to the owner, for fear of worse treat- "ment; that he has known them punished by the owner "for so doing, and sent back, though their complaint was "just; that field slaves usually bear the marks of the whip; "and that he never heard that a slave complained to a ma- "gistrate of his owner, manager, overseer, or attorney; "that he has known the *same* person both attorney, mana- "ger, and doctor on one estate; that he never knew a plan- "ter or manager interfere with another's treatment of his "slaves; that food is the general object of theft among slaves, "and at the hazard of their lives. That an overseer on the "estate where he was, (Mr. Coghlan) threw a slave into the "boiling cane juice, who died in four days; he was not pu- "nished otherwise than by replacing the slave, and being "dismissed the service; was told of this by the owner's son, "the carpenter, and many slaves on the estate; has heard it "often."

Against all the allegations and all the arguments on this subject, one general answer is usually stated, and supposed to be conclusive: *The negroes are our property; we have paid high prices for them; our profits depend upon the care we take of them. If we are bad men, at least we understand our interest too well, to destroy or disable the instruments, by which alone our estates are made of any value to us.* In the first place, Sir, the proprietor is not in general the person who exercises the power in question; if he were, it might be fair to presume, that the consideration of his true interest would be some restraint upon his passions. I fear, that in general it would not be effective. Many of the West-India proprietors, I know, are men of as much honour and humanity as are to be found in any other rank of life; but they reside in England. Concerning the managemeat of their estates, they have no other evidence but the information of their overseers; concerning the treatment of their slaves, they have nothing to judge by, but the amount produce of their labour. If the returns are abundant, it is not likely that the owners should be much disposed to enquire into abuses, by which their immediate profits do not appear to be diminished. They hear no complaints; they

live happily themselves, and conclude that all is well *. But I deny that the principle, so assumed and relied on, namely, that slaves will be well treated, because it is the interest of an owner to take care of his property, is conclusive in this case, as it would be in the case of inanimate property. All the protection which you can expect from the principle, and it goes no farther, is, that corporal punishment shall not be inflicted to the hazard of life and limb; that the slave shall not be disabled from performing the task allotted to him. Within that limitation, the lash may be inflicted with the most shocking, capricious severity, provided it does not essentially injure the property of the owner. But to secure even that degree of protection, he ought never to trust the lash out of his own hand. He delegates his power to another, but not the interest, which, you say, is to govern the exercise of it. Still the negroes are your property: so are your horses, and of more value too, if price and value are the same. See how those noble, useful animals are treated by coachmen and others, every day in the streets; every night at the doors of the crowded assemblies of this town, before the eyes of their masters and mistresses, and even at the hazard of their lives. I have been often witness to these abominable scenes of riotous or passionate cruelty. Did you ever hear of a coachman punished, or even dismissed, for cruel treatment of his horses?

One would think, at the first view of the subject, that a plantation, once properly stocked with male and female negroes, would supply itself, without farther importation. I wish it were so; for then I should conclude that the condition of the negroes was tolerable at least. There is nothing in the climate or soil to counteract the propogation of negroes in the islands, any more than in Africa, where they multiply to excess. In all other countries, the labouring part of the people are in general the most prolific. Why not in the West Indies? Excessive labour, and scanty unwholesome food, would be sufficient to check population any where.— But the fact is, that the planters do not think it their interest to encourage it. Captain Hall tells you, that "in the "British islands, breeding is not thought desirable; they rather thought it a misfortune to have pregnant women, or "even young slaves. They esteemed the charge of rearing "a child to maturity, more troublesome and greater than

* Captain Hall says, "he believes that the slaves suffered from the "owner's absence, because it was the business of the overseer, for his "own credit, to make as much sugar as possible, to do this, he must "work slaves to the utmost; it being no concern of his whether they "died or not."

"buying

"buying a slave fit for work; and it was not uncommon for "them to give away a child of two years old, as you would "a puppy from a litter. Has heard an overseer of some "consequence express this opinion. It was, in fact, his "system to prevent population, as far as in his power; and "he understood this to be a general system. So little care "was taken of infants, that mothers deemed it a misfortune "to have children: after the month, they were sent to "field labour, with their child upon their back, and so little "time afforded them to attend to its wants, that he has "seen a woman, seated to give suck to her child, roused "from that situation by a severe blow from the cart whip."

Mr. Terry says, that "while a manager, he never received any direction about attention to pregnant women, "or children; has heard managers say, it was cheaper to "buy African slaves than to breed; that they wished the "children to die, for they lost much of the mother's work "during their infancy."

Captain Ross says, "he has seen a negro woman flogged "with ebony bushes, so that the skin of her back was taken "off down to her heels; she was then turned round, and "flogged from her breast down to her waist; and in consequence, he saw her afterwards walking upon all-four, and "unable to get up."

Such is the treatment of women slaves, and in that state, too, which of all others would excite pity in the most callous heart, that still had one human sensation left in it. But we are told that, although possibly facts of this atrocious nature may have happened in the early periods of the West-India settlements, no such instances occur at present: that the government of the islands in this respect is greatly improved; that good laws have been made; that they are carefully executed; and that, upon the whole, the situation of the negroes is considerably mended, and grows every day more and more tolerable. Perhaps it may be so upon some particular plantations; but in general, I do not believe the assertion to be true. The operation of habits and principles is permanent and uniform; the check created by good laws can only be temporary and occasional, until they have acted long enough to effect a change in the manners of the people. It would have been natural to conclude, that while these inquiries were going on in England, and while the attention of the nation was so particularly directed to the subject as it has been lately, some restraint would have been laid upon practices, which it was well known had excited universal indignation here. One fact, which I shall state, will be sufficient to shew you, what you have to expect from the probable effect of these pretended laws and regulations made in the

islands

islands for the protection of the slaves. It is not more than eighteen months ago that I read, in the Jamaica Gazette, an account of a female slave, of the age of fifteen, flogged by one of these drivers, till she fell senseless on the ground. In this state she was dragged by the legs to a place which they call an hospital, till her mangled flesh was torn completely from her bones. In the hospital she died. The villain was tried for his life, and honourably acquitted, by twelve of his Peers, every one of whom, I have a right to conclude, and, for my own part, have no sort of doubt, would have done exactly the same. On what pretence was he acquitted?—Why, Sir, it was said, or pretended, that the girl was his property that it could not be his intention, because it was not his interest, to take away her life.

Sir, I have given you but a very slight specimen, indeed, of the horrors with which these books are filled. I will not argue the question, whether we ought to endeavour to put an end to them, or not: the very question is a disgrace to us. In such a case, I will not attempt to do that, which many personal considerations would have led me to do, to endeavour to compound with my duties, and to compromise between extreme right and extreme wrong. I give my vote for the abolition. I declare my opinion; I would do more if I could. Were I to have done otherwise, I do not believe that I could have enjoyed happiness in this world: I am sure I should not have deserved it hereafter.

Mr. Pitt. Mr. Chancellor *Pitt* expressed his wishes for an opportunity to deliver his own sentiments very fully, which, he feared, it was impossible to do that night; nor could there be time for a full discussion of the subject, on the part of other gentlemen, unless an adjournment were to take place. With the consent of the House, he should therefore move, "That the Chairman should now leave the chair, with a "view of resuming the subject on the very next day, mean- "ing to put off the orders of that day until the day after."

Mr. Cawthorne. Mr. *Cawthorne* declared, that he was anxious not to separate before the question was decided; but, provided there was no longer delay intended, than till the day following, he would not press his objections.

Colonel Tarleton. Colonel *Tarleton* remarked, that it was his earnest desire to have the question settled without any delay whatever; and as the House was then extremely full, and there were many gentlemen who, to his knowledge, were going next day out of town, he should resist the motion of adjournment.

The gallery was then cleared, when the following conversation took place:

Colonel *Phipps* said, that though he agreed with the honourable gentleman in opposing the abolition of the slave trade,

trade, yet he could not agree in opposing the question of adjournment; for he wished to have an opportunity of declaring what were those reasons which would decide his conduct, and he appealed to the candour of those who thought with him, whether there ought not to be an opportunity afforded for farther discussion.

Mr. Fox.

Mr. *Fox* observed, that although the opposition to any adjournment was undoubtedly uncandid and unbecoming to the House, yet he thought that the honourable gentleman who pressed for an immediate division, understood better the interest of his own side of the question, than the other honourable gentleman; for Mr. Fox had ever conceived that the only way by which the abolition of the slave trade could be prevented, must be by stifling all inquiry, and by hurrying the House into some vote, which might seem to decide the question, before the opportunity of any real debate upon the principles of the slave trade was afforded. It was a trade which, the gentlemen themselves well knew, could not bear to be discussed. Let there be discussion, and although there were some symptoms of pre-determination in some gentlemen, the abolition of it must be carried. He would not believe that there could be found in the House of Commons, men of hard hearts enough, and of such inaccessible understandings, as to vote an assent to the continuance of the trade; and then go home to their houses, their friends, and their families, satisfied with their vote, after being made fully aware of what they were doing, by having opened their ears to the discussion.

Colonel Phipps.

Colonel *Phipps* asserted again, that he wished for a fair discussion.

Mr. Pitt.

Mr. Chancellor *Pitt* agreed with Mr. Fox, that, from a thorough discussion of the subject, there was every reason to augur that the abolition would be resolved on. He observed, that, under the imputations with which this trade was loaded, gentlemen should remember that they could not do justice to their own characters, unless they stood up in the House, and gave their reasons for opposing the abolition of it: that it was unusual also to force any question of such importance to so hasty a decision. That, for his own part, it was a duty incumbent on him, from the situation in which he stood, to state very fully his own sentiments on the whole question; and that, however exhausted both himself and the House might be, he was resolved it should not pass without discussion, as long as he had strength to utter a word upon it. That every principle which could bind a man of honour and of conscience, would impel him to give the most powerful support he could to the motion for the abolition: but that he had waited to hear what could be the arguments of gentle-

gentlemen on the other side of the question, whom he conceived to be bound, still more strongly than himself, to vote for the adjournment.

Colonel Tarleton declined pressing his opposition to the adjournment.

Lord Carhampton. Lord *Carhampton* confessed that it would be indecent to press for the immediate decision, and therefore agreed to the motion of the Chancellor of the Exchequer.

The House adjourned.

Tuesday, 19th April.

The Committee of the whole House having been resumed, on the adjourned motion that the Chairman (Sir William Dolben) be directed to move for leave to bring in a bill to prevent the further importation of African negroes into the British colonies and plantations,

Sir Wm. Young. Sir *William Young* immediately rose, and addressed the Chair nearly in substance as follows:

Sir,

Having yesterday listened with due attention, and I may say with admiration, to a speech of my honourable friend, in which knowledge, and subtle argument, and impassioned address to the heart, comprized all that could be expected from the most learned, the most acute, and the most eloquent advocate of the cause which he had undertaken, I felt the presumption of any attempt to counteract the first impression which he had made on the minds and passions of the House; and I wished to reserve my opposition to the measure which he proposed, to an hour of more cool and temperate discussion.

I knew that the part, which, with others, I was to take, would bear time and reflection: I knew that we had the vantage ground of fact and of argument; and I knew that we could not be beaten from it, but by some momentary impetuosity and sudden effects; and which, I trust in the good sense of the House, now prepared to resist the manner of debating this question, there is no reason farther to apprehend. Sir, we have much need to possess a vantage ground, whilst so much ability, and so much influence of situation and of character are ranged on the side of our adversaries. Truth and reason must indeed be with us, and strongly with us, to warrant a single hope of success in the event of this night's debate. Yet that hope I do venture to entertain, and I humbly request your attention whilst I state the facts and inferences on which I rely.

Sir, those who support the motion for a direct and immediate abolition of the British Trade to Africa for slaves, have never pretended that certain interests of private property and

and of the public commerce of these kingdoms may not be affected by such a measure. The utmost which they have attempted to shew, in palliation of sudden or eventual loss to our colonists, to our merchants, and to the manufacturers of this country, is a prospect of indemnification from a new trade, to originate in the farther culture and civilization of Africa, as a natural result of suppressing the traffic for slaves. Hopes of this sort, are surely distant, if not delusive; whilst on their own grounds the loss of individuals and of the nation is great in the first instance, and in the circulation of mercantile capital may extend further than can be now estimated, and shake the very recesses of private and of public credit, apparently the most remote, and most safe from operation of the question before us. But, without availing myself of any admission of much to be given up now, for much contended to be gained hereafter, I appeal for the foundation of consequences which I state, to the commercial tables of shipping, and of export and import, contained in the report of the Privy Council, and in other documents on your table; and from the same papers, I infer a hazard of yet further moment, when I advert to the evidence of men, who, as Governors, or in other official capacity, have no other interest in the question, but what is a public interest, and which most of all ought to influence our deliberations.

The force of such considerations hath been admitted indeed no farther than as it could not, without affront to the plainest understanding, be denied; and what was admitted, hath been repelled by considerations of yet greater force, by the paramount claims of justice and of humanity. However we may differ as to place, or time, or means, for the giving them effect, none will oppose such claims, when clear and acknowledged. But ere we acknowledge them, the very principles of justice demand examination of the premises which we are urged to proceed upon; and the genuine motives of humanity require discrimination of circumstances, of objects, and of effects. We should be bounden in duty as individuals so far to temper our first impulse to intervention of kind office. But, as public men, as trustees for the great and national interests which are involved in the question before us, surely we should do well to enquire into the real merits of the case, and sift out the probable attainments on the side of philanthropy and moral obligation, to which the sacrifice proposed is (in the opinion of many) a considerable portion of British commerce, and an ultimate surrender of the British colonies. When my vote is solicited for an abolition of the trade in question, as far as relates to Great Britain only, I would wish at least previously to be convinced, that, whilst Britain loses, Africa will gain. I am most averse to a traffic

of men, termed a slave trade, and I happily anticipate its termination at no very distant period of years, under a wise and temperate system of regulation. Hence I am the more anxious, in opposition to this crude and indolent simplification of all state policy, this abolishing a trade, by at once voting abolished; inasmuch as it precludes better and wiser measures, which are already, I say already, are in train, and which nothing can frustrate in their ultimate good effects, but the temerity of the present mode of procedure suggested to us. Should it unhappily this night be recognized, and receive the sanction of the Commons of Great Britain, even though not ultimately made the law of the land, much mischief is yet done: for your Colonies need your good opinion and your good favour, to encourage them in what they are now doing, to prepare the way, and without danger, to the object you have in view, and suppress the trade you are averse to, by obviating the necessities of such trade.

If in these suggestions I am well founded, and I trust to prove I am so founded, there is an end of the present question. Nay, should fair reasonings and deductions from fact even raise a doubt as to the probable consequences in Africa itself, and as it regards the Africans, I should hope that the honourable gentleman will withdraw the scheme of abolishing, in the first instance, the trade for slaves, and pursue the ends of justice and policy, by measures more worthy the deliberations of a British Parliament, the characteristic of which should be, as it ever has been, to attain not only the best ends, but by the wisest means.

In examining the premises, on which our decision this night is to rest, I desire not to be understood as arguing to other or more general question than that (in whatever form of words) which is directly or virtually before us, and which I construe to be, "whether the trade to Africa for slaves, under present circumstances, should be abolished, as far as relates to Great Britain and her Colonies, and be so abolished by an act of the Legislature of Great Britain."

Sir, Great Britain may abandon her share of this trade, but cannot abolish it. The general question of abolition of the trade for slaves to Africa is not before us. We are not an Assembly of delegates from France, from Spain, from Holland, and other powers now engaged in that commerce, but the legislature of a single nation, whose dereliction of the trade on their own part, cannot any ways suppress, and (I shall prove) will eventually aggravate the miseries incident to a system of traffic, which every enlightened man must acknowledge, and every good man must deplore. Sir, I wish to see that traffic for ever closed, as much as my honourable friend, who first agitated the business; but that "consummation

" mation devoutly to be wished," will be farther removed, by a too hasty and unqualified secession of Great Britain from that scene of warfare and disunion of all that is good in society; where she might better, by previous regulation of her concerns, instead of abruptly flying from them, give example of new sentiments, of new policy; and awaken original principles of justice and of nature, for Africa, and for the nations who trade with Africa; and thus eventually legislate for the world, and be indeed the imperial benefactress of mankind!

On the other hand, if Great Britain suddenly withdraws from this commerce of slaves, as Pontius Pilate, she hath washed her hands indeed, but is she thence the more innocent of what follows? if her intervention, as above stated, would have, or could have prevented what will follow even to the numbers which form her own present share in the traffic, Great Britain is not the more innocent.

It becomes me not to assume ought, but to shew my grounds of apprehension, and authenticate the scene of aggravated wretchedness, which I suppose to desolate Africa, as a consequence of the measure in question. The premises which I have to argue on, are the details of evidence which heap your table; and I shall state such as are incontrovertible in proof that the nations of Europe, and united states of America, that all who possess Colonies on the nether side of the Atlantic, and all who are connected with them, are crouding to this trade for slaves, and wait but its suppression on the part of Great Britain to rush on the coasts of Africa in competition for the share of traffic thus newly opened to them. The energies of new projects for old advantages are ever fierce at the outset, and overstrain, and go far beyond the old mark of temperate acquisition. New incentives to spoil, and to rapine, will be held out to the black trader in all the zeal of rivalship; and the present evils of comparatively sober dealing, be aggravated to an enormity, beyond all estimate, in this new auction, this new heat of bidders for life and limb. Does my honourable friend doubt of this, does he require the bidders to be named, and their zeal authenticated? I refer him to the most certain proofs, I refer him not merely to the evidence of individuals, but to public acts, to exertions and to encouragements gone forth from the seats of empire, to new usurpations of territory, and to new edicts for trade, on the coast of Africa, with the sole and express view of supplying plantations in America with negro labourers.

On the first agitation of this business in the year 1789, my honourable friend spoke with confidence indeed of other nations following the example of justice and philanthropy

which was to originate in your abandoning your share of this traffic. Was that prophecy accomplished? Sir, it is true, that such prophecy was scarcely delivered, when a similar procedure was instituted in the National Assembly of France; it was instituted under every advantage to a proposition which professed destruction not only to a slave trade, but to slavery; it was moved at a time when the patriots of the day were straining to the very verge of civil liberty; and in attaining the "rights of man," nearly lost sight of those of the citizen. Yet what was the result? Sir, the Assembly paused on a question comprizing so many and so great interests, and so many difficulties in application of the best principles. The slave trade was referred to a Select Committee, and the Report of that Committee calling on the Assembly to reject the measure of "abolition," Mr. Barnave moved sundry resolutions to such effect, and which were received with acclamation, and voted with unanimous assent. Two years have now passed, and I am astonished to hear again, as I have heard, a repetition of promises and expectations thus proved to be delusive.

Sir, the French, that nation which was said to be on the start to outrace us in the suppression of the slave trade, is actually foremost in the course for its continuance and extension.

In page 37 of the Report of Privy Council, Mr. Dalzell, on his own knowledge, states the French to be gaining ground in the traffic of slaves in the kingdoms of Whydah, Dahomey and Angola.

In page 48 of the same Report, Mr. Penny mentions the French to have driven us from the trade of Loango, Melimba, and Cabenda, and to have established themselves in the trade for slaves within those districts during two years passed.

In page 49, Mr. Falconbridge says the French have, since the peace, supplaced us in the trade at Angola; and at Bonny have almost as great a trade as the English.

In the first volume of evidence taken before the House of Commons, page 171, we find, from the testimony of Mr. Fountain, that the French have actually usurped of late a spot in territory, and are building a fort near Anamaboe, thence to push their trade on the Gold Coast*; and this is corroborated by Governor Miles, page 45, of the same volume.

Not satisfied with the exertions of their own subjects, Captain Frazer informs you, page 57 of the second volume of evidence, that late as the year 1789, he had advantageous offers, if he would engage in the African slave trade under French colours. Likewise Mr. Taylor, of Manchester, states requisition made to him from some of the first mer-

cantile houses in France, for the furnishing an assortment of his manufactures suited to the commerce in question.

Farther by an arret of October 26, 1784, a bounty is given of 40 livres per ton on all shipping employed in the African slave trade, and a bounty of sixty livres on each slave imported into Martinique and Guadaloupe, and of 100 livres on each slave imported into St. Domingo, Cayenne, St. Lucia, or Tobago.

Spain too is seeking a slave trade. In part 6th of Appendix to the Report of the Privy Council, we have as matter of record, a contract made in 1786, by the Court of Spain, with Messrs. Dawson and Baker, of Liverpool, by which the latter party is to supply 5000 slaves annually to the Spanish Colonies, at 155 dollars per head, free of all duty. We find in the same body of evidence, that not satisfied with the trade restricted to this monopoly, the Spaniards are, for themselves, exerting endeavours to attain an active share in the slave trade. On the second of March, 1788, merchants from Cadiz, and planters from the Havannah and Hispaniola, are stated in the Report of Privy Council, to be at London, and afterwards at Manchester, enquiring into the nature of the slave trade, and the assortment of cargo, and of outfit for the carrying it on.

In the same document, we find the Philippine Company actually engaged in the traffic, and under the agency of a Mr. Testatis, to have already fitted out four ships, carrying 500 slaves each.

Lastly, we find the King of Spain, by an edict dated at Madrid, 1789, not only encouraging a slave trade to his American and other subjects, by a bounty of four dollars on each slave imported, but in special favour of that Commerce breaking through all the restrictive policy of Old Spain, (that policy which pervaded all her treaties, and found its way even into the family compact) and opening certain ports of its transatlantic dominions for two years to all foreign vessels whatever, freighted exclusively with African slaves.

Denmark too is exerting itself to gain a portion of the commerce in question: in page 57 of the second volume of evidence, Capt. Frazer speaks, on his personal knowledge, to the Danes already extending their trade on the Windward and Gold Coast; and Mr. Baillie, page 191, asserts, on authority of his immediate correspondents from Copenhagen, that many Danish slave ships are waiting the result of the question in Great Britain, to start from that port with view to partaking of the commerce eventually opened to them.

America hath, since her independence on this country, explored every channel of commerce, nor hath she omitted that for African negroes; her vessels on the coast of Guinea

have increased from year to year. It appears from the evidence of Mr. James Baillie, page 191, of the body of evidence last cited, that in the spring of 1790, insurances were at that time actually making in London, on slave ships from Boston, Virginia, and Charles Town, yet these were not the districts of the United States, particularly engaged in trade to the coasts of Guinea; a commerce, even more extensive, was at the same time carried on from Massachusets Bay and Rhode Island.

The Dutch supersede all necessity of reference to testimony of individuals; for proof of the spirit and policy of that people, the most enlightened in all mercantile concerns, in the advancing the interests of their African slave trade, for the purpose of supplying their colonies, I here appeal to the most authentic documents of state, whence to infer farther exertions, should the dereliction of Great Britain afford an opening to farther exertions.

To this effect I shall cite an extract from the Resolutions of the States of Holland and West Friesland, dated the 11th of May, 1788, as transcribed in the Appendix, part 6, of the Report of Privy Council. Not to make the quotation of too great length, I will suggest as introduction, that the Dutch had restricted the importation of slaves into their American Colonies to Dutch ships; that their Colonies of Essequibo and Demerary had thereon been very insufficiently supplied, and had petitioned the States for relief; that sundry resolutions had, in consequence, been adopted, and amongst others, the following: "Their Noble and Great Mighti-
"nesses are fully convinced, that the want of slaves is fatal
"to the planters, and that as the Dutch trade to the African
"coast is greatly insufficient to supply their Colonies with
"slaves, the planters are under the necessity of privately
"purchasing them from foreign vessels, and that a strict ob-
"servance of the prohibition would, probably, ere now,
"have desolated a great part of the plantations; that there-
"fore their Noble and Great Mightinesses cannot re-
"commend this, so necessary a prohibition against the im-
"portation of slaves in foreign ships, without recommending,
"at the same time, effectual means for the speedy recovery
"of the trade of the Netherlands to that flourishing state (the
"Coast of Guinea), which is absolutely necessary in order
"to supply the Colonies with slaves." This extract is of authority and import conclusive as to the Dutch. I have thus shewn the parties, and shewn the situation of the parties, whom I have stated to be eager for the seizure of the ground we may quit in Africa.

The means of taking up this ground cannot be less, nay, they must, from the very circumstances of new competition, be

be more pernicious, to the Africans, than any preſent ſhare of the trade held by Great Britain. Let it not be told me, that the preſent evils are ſuch, as not to bear aggravation. They will bear aggravation. Things are bad enough indeed as they are. Yet I muſt urge doubts as to things being ſo bad as repreſented by ſome perſons My honourable friend hath heralded the volume of that evidence which he hath adduced in ſupport of his cauſe. I would overleap the ordinary bounds of implicit belief on any controvertible point at iſſue, in compliment to perſons who are thus honoured with his confidence. But I muſt confeſs, that my value of human teſtimony doth not go ſo far as to admit the plea of truth to contradictions in fact, or to inconſiſtences in inference. I cannot bend to the "ipſe dixit" of any, however reſpectable, in oppoſition to the known operation and conſequences of the very cauſes which themſelves ſtate with equal ſtrength of aſſeveration, as the very effects which they afterwards declare. If the premiſes aſſerted are true and eſtabliſhed, and if the concluſion aſſerted is abſurd and repugnant to every principle of fair deduction from thoſe premiſes, I muſt doubt the repreſentation or rather I muſt ſuppoſe exceptions to the rule, by exaggeration to be made the rule itſelf. When I read in every document of hiſtory, when I find in a concurrence of oral teſtimony in the firſt volume of evidence, page 9, from Governor Barnes; page 50, from Governor Miles; page 74, from Captain Knox; page 145, from Governor Wenves; page 525, from Captain Hall; and from every one that hath ſpoken to the ſubject, that the coaſts of Africa, where the ſlave trade is carried on, are very populous; I cannot admit the practice of breaking up villages, going forth in bodies for plunder, or even private kidnapping to be general among the inhabitants, though too frequent inſtances, of ſuch lawleſs rapine, are in proof, as wretched effects of the ſlave trade, and as inſtances, are admitted by Governor Devaynes, page 52, of the Report of Privy Council. When, again, I read the detail of retaliation in the caſe of Bimbe Jack, page 46 of the ſame book, I cannot ſuppoſe the apprehenſions of like retaliation not to operate, and render the inſtances of ſtealing, or forcibly retaining Africans in ſlavery, by the European Maſters of ſhips, to form rather exceptions than rules of conduct, notwithſtanding the aſſertions in evidence of many, too zealous perhaps for the good end, to be over ſcrupulous about the means of attaining it.

When further I am told that "crimes are falſely imputed for the purpoſe of procuring ſlaves," I admit the allegation to a certain extent; but when it is farther intimated, that ſuch means of providing the trade are general or ſyſtematic, I cannot admit it to ſuch extent. Not to dwell on the ſubject

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of crimes of theft and murder, which if not punished, society hath no bands of union, no system of peace, and is not civil society; let us for a moment consider those which are stated as most often falsely imputed, and as scarcely partaking of offence.

Witchcraft and adultery have been represented in this point of view, but Governor Weuves, in page 156, and Mr. Fountain, in page 167, and 187, of the first volume of evidence, tell you, that the secret of witchcraft is the secret of poisoning, a crime surely of the deepest dye. This evidence is corroborated by the practice of combining the whole family in the offence, who may be supposed to be possessed of that secret; and the terror of society, where such secret is supposed to exist, is clear and obvious from the evidence, that in case of a person being sold for witchcraft, it is most expressly conditioned, that such slave shall never be relanded in the country.

It is not in the nature of things, or of social institution, that a crime, the most dreadful to the society at large, should be sported with, merely as a means of trade to that society.

Again in page 40, of the 4th volume of evidence, we find the supposition, and very words "that adultery is made a "crime, on purpose to procure slaves." On this subject, I revert to the jealousies of women, originating in the very principles of society, nay of nature itself, and which invariably and more especially characterize the manners of all nations in the known world, where polygamy is the practice, whether on the banks of the Ganges, the Nile, or the Gambia. When I am informed of the bolts and bars, and the cruel precaution, which incapacitates each guardian of fidelity in the haram or zenana, from violating the trust reposed, I cannot admit, that in a country where polygamy is in usage, that adultery is made a crime, merely for the purpose of procuring slaves. It is a crime under most rigid construction of offence to the tyranny of the stronger sex over the weaker: and offence to tyranny is ever deemed the greatest of offence. I cannot, under fair deduction, on the reasonings and experience which are before me, in the many books of speculation and of history as applied to ethics, admit that a wife is often dressed out for prostitution, in order to procure the husband a title to sell the adulterer. The case is an exception to the rule: if the statement is any ways general, it is inconsistent with human feelings, and above all, incompatible with the principles of polygamy. In page 36, of the Report of Privy Council, Admiral Edwards tells you, that "he "saw the heads of six women, who had committed adultery, "cut off, and exposed together on a drum." Such severity belongs truly to the system of polygamy.

Those

Those who wish to be informed of the extent to which polygamy is the practice in Africa, may refer to the evidence before the Privy Council; Mr. Dalzell and the Rev. Mr. Newton, page 52: to the first volume of evidence before the House of Commons, Governor Barnes, pages 6 and 29: Governor Miles, page 50; Governor Weuve, pages 150 and 154: Mr. Fountain, page 201; Captain King, page 447, and to others too numerous to mention.

The general practice of polygamy hath a result, in application to the slave trade, which, were I to indulge myself in the speculation, would draw me farther than might suit the time and convenience of debate. In remarking that practice, as co-operating to form, or to sustain a trade of slaves, I should state such traffic for numbers, who, outcast from the common solace of our nature, and the best unions of society, cannot be regarded otherwise than as inimical to that society, as one course of removing such dangerous supernumeraries from the community, to which another course, of more destructive kind, might be substitute, if the sale of people was or could be hastily done away. Probably such substitute would be massacred: I am warranted in this supposition, by the evidence to the numbers of those slain at the funerals of great men, and at the annual feasts of watering the graves of their ancestors, watering with the blood of human victims; and which practice is corroborated by Governor Devaynes, in page 8, of the Report of Privy Council; by Mr Norris, in the same Report; by Governor Miles, in page 42, of the first volume of evidence taken before the House of Commons; and by Mr. M'Intosh, Governor Weuves, and Capt. Littleton, and all who have been questioned, or spoken to the subject.

The Rev. Mr. Newton, in p. 28 of the Report of Privy Council, and the Rev. Mr. Isham Baggs, in page 50, of the same book, state circumstances farther in proof of the murders, from vindictive causes, or other alternative, in default of sale, to be apprehended, should the slave trade be suddenly abolished. Captain Littleton, who was eleven years in Africa, and 900 miles up the country, in page 206, of the first volume of evidence, gives farther reason to apprehend a sanguinary result of abolishing the slave trade, when he mentions the occasional famines in the interior country, from the droughts, and from the horrid devastations by locusts; when the people, from very necessity, become cannibals, or sell their supernumeraries, who aggravate the famine, and must otherwise starve, or be put to death.

Sir, my honourable friend hath stated a full third of those sold to the slave ships to be children; and then asked, as in

just triumph of argument, "Have these committed crimes? "Have these been the fair objects of captivity in war?" What are the fair objects of captivity in war, among savage nations, and such as inhabit the interior provinces of Africa, whence most of the slaves are provided, I know not; but I know that women and children are not unfrequently included in the depredations and massacres of savage nations engaged in war. The alternative of captivity may be the lot of women and children of the enemy, surprized and defeated in the interior parts of Africa. Sir, I hold in my hand a book, supplying grounds of fact, which, by analogy of reasoning, we may presume for Africa; and we then should regard the spirit of avarice which directs the sale of the woman and child, as substitute to the phrenzy of revenge, which might doom the infant to agonize on the spear, even before the mother's eyes. The book that I allude to, is Umfreville's 'Present State of Hudson's Bay,' in which is introduced a narrative of Mr. Hearne, who, in the year 1771, made an expedition to the Copper-mine River. In course of this expedition, he joined a party of Indians, then at war with the Esquimaux, and who attacked a kind of village, "certainly not to procure slaves," says Mr. Hearne, "men, women, and children "ran out of the huts stark naked; but they soon fell a sacri-"fice to Indian fury The shrieks and groans of the ex-"piring were truly horrible and it was much increased by "the sight of a young girl, about 18 years old, whom they "killed so nigh to me, that when the first spear was stuck "into her she fell, and twisted herself about my legs when "I begged her life, the fellows made no reply, till two had "their spears through her, and fixed into the ground. They "then looked me sternly in the face, and began to upbraid "me, asking if I wanted an Esquimaux wife? At the same "time paying no regard to the shrieks of the poor girl, who "was then twining about the spears like an eel." Fear of such like, or other sanguinary alternatives, is founded, however, on the supposition of an abolition of the trade for slaves; and such is not my apprehension. It is the contrary. I have stated facts in proof, that the nations in Europe are actually making new and extraordinary exertions, even to extend their trade; therein availing themselves of what may be derelict by Great Britain. What I have since stated, I mean not in excuse for the traffic, on moral consideration: but the slave trade hath sins enough on its head, without having further to answer for than belongs to it. It is not my business, but as truth requires of me, even to palliate one evil resulting from this trade. For my own purpose and case, I should fully admit and retort in argument all the evidence, nay, all the tales, if tales there are, of domestic disunion,

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of every the best tye of nature and of society, dissolved under incentives to vicious propensities, which Europeans may hold out to the Africans, for selling one another. I beg to avail myself of all that hath been brought forward by the honourable gentleman: my opponent's case cannot be made too strong for my own just purpose in argument.

When I cursorily adverted to certain details collaterally affecting the evidence thereon, my direct purpose was to shew that the actual scene of misery, in Africa, horrid and distressful as it is, is not so much so, as to be incapable of aggravation.

This is an essential part of my case. A surcharge of wretchedness and of depravity, as resulting from the measure proposed, is what I augur, and what I deprecate.

The consequence of abolition of the slave trade by Great Britain only, I have altogether inferred on premises not to be shaken; on premises of fact.

The French, the Spaniards, the Danes, the Americans, the Dutch, would usurp our place, and give the trade new spur and force. To what actual extent the market for slaves might then be pushed, and the miseries and cruelties dependant on the market, the vast islands and continental settlements, as yet poorly cultivated and thinly peopled, belonging to the Powers in question, leave us no room to surmise, and much less to exaggerate. A right honourable gentleman of leading ability hath said, on a former debate, in application to this argument, "is it an excuse for committing a robbery "on Hounslow Heath, to say that another would commit "it, and with the aggravated circumstances of murder too if "you did not?" This is a mere begging of the question. A trade for slaves doth not in itself or necessarily imply robbery or rapine. Not many years passed, Great Britain sold her convicts (indirectly at least) to slavery. But for the trade in itself I am no advocate. It rests on principles repugnant to the temper of my mind. I would that it had never begun; I wish that it may soon terminate, but the means proposed are not merely inadequate to, they are preclusive of, such effect. Having shewn that other states will be, and are, ready to supersede us, and take every foot of ground we leave for trade of slaves in Africa; and even more: where are then the improved manners, and industry of the Africans, and where the new culture and manufactures of Africa?

I here at once sweep from your table, and reject from all consideration in this debate, the whole mass of evidence, or of opinions rather than evidence, contained in the Report of Privy Council, or in other documents before the House, relative to the promised substitute of commerce, which was to be derived from the improved agriculture, manufactures and

civilization of Africa, and indemnify our merchants and ship owners for suppression of the traffic in question. These were assumed to arise on the suppression of the slave trade; but the slave trade cannot be suppressed by a partial dereliction, and the grounds are lost on which these great resources were to be sought out.

A right honourable gentleman, (Mr. Burke) whose extraordinary genius and acquirements have been, and will be to the remotest times, the subject of delight and of improvement to every [illegible] gen[illegible], and to every intelligent mind, he, Sir, with a discernment as immediate as comprehensive, stated on the first agitation of this business, "that in adopting "the measure proposed we must prepare to pay the price of "our virtue." I am ready to pay my share of this, or any price; but the object of purchase must be ascertained: is it the happiness or is it the wretchedness of thousands? We must not be allured from our duty by mere names; if in assumed benevolence we estimate not the effect, it is not benevolence, it is dissipation.

Some high-minded and ambitious spirits, who, towering above the sympathies and feelings of ordinary men, talk of principles in the abstract, or if they condescend to an application of those principles, yet as if all was to bow to their own pride of mind, measure out their own materials, their own train of men and circumstances to work upon. These men talk, for I have heard them talk, a language specious perhaps to some, but which to me only confirms my incapacity to understand. By humanity being the principle as applied to this question I should think not humane treatment, and consequences of more real [illegible] and [illegible] happiness, to be the object. "No," say the [illegible], "a traffic in "human flesh is not [illegible] to be borne with; let it be "carried on by whom it will, let it be aggravated by all the "miseries incident to a con[illegible] state of life and [illegible] "under the torrid zone; let the consequences of Great Britain suppressing suddenly her share of it be what they will; "the national honour, glory, and character require that "suppression; the consequences are not at our door." My answer is short: my conscience tells me that all consequences are at our door. The proud declaration may suit the Statesman, who, dealing with other Statesmen, is accustomed to rest his all on a plausible manifesto of cause, but the Moralist, who in the humbler path of life, meditates "on peace and "good will towards man," will venture to call such Statesman responsible for consequences. For one, I would not too hastily or crudely, even with regard to the Africans, forego my right to interfere as a British Senator, in regulating this trade to alleviation of its present evils, and ultimately

mately to attainment of all the advantages which the beſt and moſt ſanguine friend of freedom and of man can promiſe or deviſe. Mean time I would not forego my right to interpoſe regulations, reſpecting objects of ſale in Africa, reſpecting demurrage on its coaſts, reſpecting the tranſport to the Weſt Indies, or the ſettlement of the ſlave on the plantations. We on our ſide may do much, but I fear not to aſſert, that the Britiſh trade to Africa for ſlaves will principally be aboliſhed in, and from, the Weſt Indies. Mean time, it is competent and proper to us ſo to provide for that event, as to obviate the paroxyſm of calamity and diſtreſs which a more ſudden and declaratory act by the mother country would occaſion both in Africa and in our proper Colonies.

In regard to our Colonies, a ſudden abolition of the trade for African negroes would very ſoon defeat its purpoſe of humanity held out to us, and produce the moſt unequivocal oppreſſion and miſery of the ſlaves in the iſlands. The honourable gentleman who firſt agitated this buſineſs, muſt obſerve, that I ever induſtriouſly ſeek to meet him on his own and moſt favourite principles. Far from crouding philanthropy out of ſight by details of political expediency, I ſtudiouſly bring it to view. Proceeding to that part of the ſubject which comprizes the relative ſituation of thoſe in our Colonies, whether maſters or ſlaves, as dependant on the reſult of this queſtion, I muſt ſolicit more particularly your attention. I muſt beg the Houſe well and warily to conſider the propoſal ſuggeſted of [illegible] great and ſudden innovation on our colonial and commercial ſyſtem, reverting in ſuch their conſideration to principles of policy commonly accepted in all times, and in all countries for good and wiſe Government. Let us obſerve how ſuch ſudden divulſion of intereſts as hath been ſuggeſted, ſhocks every juſt ſenſe of action derived from experience and obſervation, of the cautious and delicate working of policy [illegible] in the rooting out old habits, in the putting aſide from ancient practices, and in the ſubverting preſcriptive legal claims and rights on ſpeculative reaſonings however juſt and true. Let us, as men, heſitate to uſe that rigid diſcipline even on the paſſions and prejudices of men, which is ſuited rather to exaſperate than to amend: let us prefer the directing and the leading our Coloniſts and others in the way we deem right, inſtead of rudely forcing them from the way we deem wrong. Thus we ſhall act on principles of reform ſuited to a free Government, and above all, ſuch temperate procedure is moſt indiſpenſible, if Government hath at any time regulated, protected, nay, even inſtituted and rewarded the very courſe of adventure to its ſubjects, which it means thereafter to reprobate and ſet aſide. When, in ſuch caſe, charters

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corporate bodies, and positive laws of the land, under which property hath been engaged and secured, are to be annulled, it is but fitting to require that the act should not be marked with violence, but rather be palliated by precautions, and preparatory experiment of tendency, to shew that nothing but extreme necessity, if that necessity is found to exist, will induce the intervention of a direct act of Legislature, in change of its ancient, its own system. If deeds are to be cancelled and laws repealed, under which all in our Colonies, and many in Great Britain, have embarked their very means of subsistence, is it too much to ask, that such deeds should be cancelled at least with form and solemnity; with something like kindness and concern; protracting all act of power on the part of the mother country, till urged by the refractory disposition of the Colonies, in providing for the change of measures required; not rudely tearing the papers by which their properties are held, and thus adding wantonness to insult, insult to ruin. And now I would ask if a single instance, if one symptom even of such refractory disposition hath appeared in the Colonies, as warrants the British Parliament to suppose, that the several Legislatures will not act, nay, are not acting, temperately, wisely, and humanely, to attain the object pointed out to them, and making the fairest experiment in proof of the honourable gentleman's assertion, that a natural increase of negroes in the West-Indian islands may be effected by an ameliorated system of legislation; and that in the result, a trade to Africa for slaves will be no longer necessary.

If you interrupt the Colonies in their temperate procedure, by crudely and widely attempting an anticipation of the end they have now in view, they will never attain that end; whatever in the means suggested by the new Grenada act, or consolidated act of Jamaica, or other Colonial acts, is beneficial, will be for ever lost, and cut up by the root, if an abolition of the slave trade is, by a direct and immediate act of the mother country, at once ordained; a coincidence in its views on the part of its West Indian dependencies cannot in such case operate; their necessity must induce other considerations. Their humane policy will cease to be practical, if not supported for a time by that African trade which may supply them with women and young people.

Yet the temper of their present proceedings afford presumption, that the humane policy of our colonists will continue to operate, however it may lose of its efficacy. It will continue to soothe the miseries, though unequal to remove the evils of a decreasing population; —and we must take shame to our own errors and temerity, if we throw impediments in its way, and frustrate its purpose and present promise.

Indeed

Indeed we put our fellow-subjects in the colonies to a severe trial: we controvert their character of benevolence, and yet claim their benevolence: we bring distress on their affairs, and then we expect exertions of experiments and of improvements from the state of embarrassment and of ruin which we have involved them in.

I shall shew, on testimony not to be controverted, that a direct abolition of the trade for slaves must tend to distress; no language hath been omitted which may tend to degrade,—and distress and degradation must tend to alienate those in our colonies,—that is to say, those who may be found indispensable to the framing any feasible plan for the benefit of the slaves; and who must be the instruments to give it force and effect.—Permit me to suggest, that ruin, ignominy, and disaffection, afford premises but ill suited to schemes of improvement in agriculture, of amendment in morals, or of co-operation in reform. I am not so ignorant of the principles of a free Government, or of the rights of British subjects, as now for the first time to be taught,—"that allegi-"ance and protection are relative terms."

Having assumed distress and ruin in the colonies, as the probable result of present abolition of the trade for slaves, I will bring forward, I will bring home to view not an imaginary, not a distant case, but the most fair inference, on facts and statements to be found specially in the minutes of evidence before the House; and which will remove every doubt of the effect of present abolition of the trade to Africa for slaves, to the ruin of the planter, the merchant, the mortagee, and last, not least, to misery of the slave, of the poor African or Creole slave now working on the plantations. Having served no one purpose of philanthropy in Africa or in the West Indies,—having aggravated misery on both sides the Atlantic.—Such is the result to compensate truly for the immediate loss of British commerce, and eventual destruction of the British colonies:—is it too much to say of Great Britain itself? Before I adduce evidence as to the probable effect, I should adduce evidence as to the premises on which the effect is to operate. These premises consist of various matter, but all combined, and necessarily to be viewed as one great whole, in application to the question of suddenly suppressing the trade for slaves.

The actual state of negroes in the colonies, the proportions as to sex, their proportions as to young and old, and to the stages of succession in life; their morals, their manners, and much else in their usage, as well as habits, inimical to increase of the species, afford grounds for asserting, that the negroes neither do nor can multiply by natural means, circumstanced as they are at the present hour: ad-

ventitious means for a time to come, are necessary to supply those connections in society, which may give fair promise of increase at a future period, by the ordinary course of births. Such temporary supplies, co operating with the present attention of our colonial Legislatures to the instruction, and to the more secure and more happy situation of the slaves, may, I doubt not, produce such effect. But such future effect is dependant on present supplies, and for a period to come.

That the negroes on the plantations do not at present generally increase by births, was a fact admitted in the 10th and 11th of the original resolutions brought forward by my honourable friend. He advanced, indeed, that the annual excess of deaths above births, diminished successively in each period to the year 1787 in Barbadoes and Jamaica. In the very able speech of Mr. Bryan Edwards*, delivered at a conference of the House of Assembly, and of the Council at Jamaica, the very grounds of the above calculation have been proved to be delusive: the number of negroes being at one period taken from the tax rolls, and then a comparison drawn at another period, not from the numbers taken from tax rolls, but from the estimate, the mere guess of a Governor or others:—in those distinct grounds, no relation of case or criterion can be assumed.

Mr. George Hibbert, in page 396 of the second volume of evidence states, on investigation made with care, and apparently accurate, that the decrease in Jamaica is of two and a half per cent., that is, of one and a half more than is stated in the above resolutions; and it is very remarkable, that Mr. Hibbert shews the decrease to be greater in the latter, than in a former period of nineteen years. If this circumstance is attributed to hurricanes and to epidemic disease; in answer, I must state my apprehensions, that hurricanes and epidemic disease are sufficiently frequent in the West Indies to warrant their making part of a general estimate. But even admitting the position advanced in the resolutions to its fullest extent, it doth not presume an excess of births above deaths on the general average; and it cannot escape notice, that the instances brought forward in exception, of particular estates having a regular increase of negroes by births affect that general average, and afford an inference of further decrease on the remainder,—that is, on the greater total of estates. If, for instance, an annual loss of four is said to fall on the number of twenty; and in a distinct five of that twenty we find that one again supplied, then the loss

* Vide Mr. Edwards's Speech, printed for J. Debrett.

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of four bears in fact on the remaining fifteen, and is to be so estimated.

A similar inference occurs, on consideration of the disproportion of sexes: when particular estates are instanced as having an equal or greater number of females than males, then the disproportion of sexes stated in the total, bears heavier on the remainder from the very circumstance of the cases in exception mentioned.

One matter of notoriety hath in a great degree escaped the attention of the examinants, either of the Privy Council, or in your Committees, and which hath farther effect, in aggravating the disproportion of sexes. It is, that the numerous white servants, and others ordinarily sent forth from the mother country in the state of apprenticeship, carry out no help-mate of their own colour, and certainly find no help mate of their own colour, and as certainly take to themselves a help-mate of any colour they can find: in calculating the proportion of sexes, we should take overseers and other Europeans into consideration,—for they appropriate a considerable number of negro females; and we may venture to say, they appropriate those of but youth and form,—and who might otherwise become prolific wives to the negro-men, and increase the numbers on the plantations.

All these circumstances should be super added to the answers made to the 28th query, transmitted from the Privy Council to the Governors of the several islands: that is, to the disproportion of two men to one woman in Grenada and St. Kitt's, and of four to three women in Jamaica, as affirmed in the testimony of Mr. Hibbert, page 364 of the second volume of evidence. In the islands of Barbadoes and Antigua, where the answers returned leave the equality of sexes a matter of doubt, the same circumstances will operate to ascertain a considerable disproportion.

Moreover, a disproportion of young people to old, under present circumstances, obstructs natural increase, and requires provisionary means of remedy, which Africa must for a time supply. In support of the latter inference, it would be tedious even to recapitulate the mere names of witnesses, who have stated the alteration of system within late years; and have told our Committees, that in former times, by no means an equal attention was paid to the breeding of negroes as is now: of course, the gradation of ages from a period back is not as yet duly filled, and a step of life is wanting on most estates, leaving a chasm between childhood and mature man. This observation is of particular importance, considered as applicable to the necessity of a temporary importation of African slaves; that is, for such number of years as the supply of youthful labourers shall be wanted to

fill the place of the aged or others, who drop off in the course of nature. The children in much the greater proportion born and reared within these twelve years passed, have not reached the age and strength for labour on the plantations in succession as that labour is called for: and I desire it may be remarked, that this just statement and inference would have the full weight and effect in argument against immediate and unqualified abolition of the slave trade, even were the births equal to the deaths throughout the islands, and the sexes numbered in due proportion. Besides these natural impediments to Population, which time, and a partial assistance from a slave trade may during that time remove, the neglect of marriage or permanent connection among the negroes, their dissoluteness of morals, the practices of abortion, and the inattention to infants, are all evils to be overcome, and which cannot be overcome suddenly.

The inference to be drawn from these statements is, that the negroes in our colonies do, and must increase, until the measures dictated by benevolence and policy shall have had time to operate; and that mean while, supplies of slaves from Africa should be allowed in aid of such good and wise reform in the government and regulation of those actually on the plantations. If the planters, being without debts, and without engagements, were free to make a surrender of half the income of their estates, and to let every other consideration give way to the sole object of encouraging the procreation and the rearing of infant negroes;—if the planters could direct their own views, and command their own time, in the making an experiment at their own loss and hazard, of from how small a stock, and under how many disadvantages, mankind may yet increase and multiply:—If no deeds of mortgage, no contracts of consignment, controled and directed their superintendance to other considerations;—if, in a word, the planter was not generally the slave of the British creditor, he might do much for increase of the slaves he calls his own, and in many instances, circumstanced even as his slaves are, might attain, in a number of years, the object he has in view, without importations from Africa.

But whilst twenty millions of debt press on the proprietary of the West Indies, as estimated, page 386, of the second volume of evidence; whilst a full third of the property in the islands, that is, of seventy millions, according to the calculation of a noble Lord, most conversant in commercial concerns, is engaged by mortgage to the merchants and others in the mother country; how can the planter, speaking generally, remit labour and industry on those grounds, where his own is but a residue, and where so great demands are previously to be satisfied, and ere he can claim a mere

subsistence for himself? Under such circumstances, the slave trade being suppressed, and his negroes decreasing the first year, in the smallest per-centage, that decrease must become progressive, and accelerate from year to year; for, as his numbers became less, his labour becomes more, from time to time falling heavier on the negroes who remain.

How cruelly the measure of suppressing at once the trade for slaves from Africa, might operate in relation to the slaves actually on the plantations of the West Indies, is not readily to be conceived in all its extent of misery,—or not to be conceived without horror.

I could give colour to these fatal consequences, from the evidence of Mr. Francklyn, page 96; Sir Ashton Byam, page 116; Mr. Baillie, page 192; Mr. Gregg, page 226; Mr. Douglas, page 292; and Dr. Athill, who, page 304, of the second part of evidence, states, in addition to the general topics of too much labour, and too few labourers, the particular destruction to young negroes, from the master being in his necessities driven to make them work in the fields ere their manhood is mature, and thus soon wear them out, and bring on early decrepitude, or death.—As to the general effects of cutting off all supplies of new negroes, they are described in the petition from Demerary and Essequibo, in terms so plain and true,—that he who runs may read.

This document, to be found in part 6, of the Appendix of the Report of the Privy Council, is addressed to the States of Holland and Friesland; it says,—"that (in those "colonies) their annual diminution of slaves is five per "cent: this is little felt the first year; nineteen remaining "negroes hardly perceive that they do the work, which the "preceding year employed twenty: but the second year, "the same work falls to eighteen; and if another year "passes, without an augmentation by purchase, seventeen "must do the work first allotted to twenty: this must give "rise to discontent, desertion, or revolt; or if the negroes "put up patiently with the surcharge of labour, illness, and "an earlier death, must be the consequence."

I cannot quit the subject of too much labour, and too few labourers, without one farther reference to the evidence of Mr. Ottley, Chief Justice in St. Vincent's. It is but giving just and due weight to the testimony of that gentleman, when I usher it in, by declaring the pleasure I take in saying, on my intimate knowledge of him, from youth upwards, that the best feelings have ever constituted him a common friend of mankind, without distinction of colour or condition; and that natural and acquired powers of mind have fitted him to execute, as to conceive, what is for the

benefit of all around him. This short digression will be excused, when I state, that it is made in justice to one who anticipated the views of British benevolence, and was framing colonial acts for the security, comfort, and happiness of the slaves in St. Vincent's, before our first regulatory bill was even opened in this country, or the slave trade in any way made a question in this House. Mr. Ottley hath given you the clearest statement of the result to the negroes on the plantations, derivative from a sudden suppression of the trade to Africa for slaves. Page 167, of the last volume of evidence, he says, "that estates in the West Indies, in "general, are deeply mortgaged; that in many instances, "where there is such incumbrance and weight of debt, the "greatest exertion of labour, and worst supply of food, are "the consequences; that on such estates so circumstanced as "to be defective in their natural increase, the proprietors, "who are obliged to answer the pressing demands of their "creditors, would (he feared) in many instances, be induced "to work their gangs beyond their strength; and that a "sudden unqualified abolition of the trade for slaves to "Africa, would thus eventually prove oppressive to many "slaves in the West Indies." Sir, all these consequences of surcharge of labour, and of the wretchedness of the slave keeping pace with the ruin of his owner, are obvious. But do the misery and mischief end here, even in regard to the slave? No, Sir; merchants of the first eminence, men who can speak to the intent of creditors, (for themselves are creditors) tell you, "that, in case of the slave trade being "abolished, the merchants, mortgagees, and others, must "withdraw their indulgence hitherto granted to debtors, "and foreclose." Look to page 397 of the second volume of evidence, and generally to the evidence of Messrs. Baillie, Rucker, Hankey, and Hibbert.

The effect of the creditor pressing on the planter, will be fatal to the slave in a yet farther point of view. In page 173, of the last or fourth volume of evidence, you are told by the Chief Justice of St. Vincent's, "that slaves are liable to "seizure for debts, in default of other goods and chattels; "and that in a sale of slaves, under such circumstances, "there is no provision to guard against the separation of fa"milies, excepting in relation to the mother and infant "child." Doth not such separation constitute a principal share of that very extreme of outrage on the rights and feelings of human creatures, which the honourable gentleman so strongly deprecates in Africa? Why institute new causes of such separation in the West Indies?

The honourable gentleman, again, deprecates the temporary confinement in a slave ship; why give farther occasion

casion to confinement in a West Indian prison? where, under a distrain for debt of the master, the poor slave may linger for double, for treble the time of a Middle Passage. But even these horrors apart, is it nothing to excite a general system of process and sales by the Provost Marshal, which must at least tear the poor Creole slave from his old habitation? Says the Rev. Mr. Davies, in page 188, of the 4th volume of evidence, "There have been instances of slaves "pining away, removed from their habitations, and old "spots of ground." but the separation too is, from his wife, from his child.

Sir, I have said enough of the consequences of the abolition of the slave trade, so far as it may operate on the situation of the slave in Africa, or of the slave in the West Indies. I have shewn that the cause of humanity is no gainer by such precipitate undertaking. None can gain. What loss may result from the measure it is not easy to estimate, taking into consideration the many and intricate dependencies on the question, adverting to commerce, navigation and revenue.

I must here, Sir, recall to your mind, that I have adduced a body of evidence incontrovertibly, setting aside all pretensions to the finding a substitute for the slave trade, in the improved civilization, manufactures, and culture of Africa: such were stated by my honourable friend as the alternatives of a slave trade, the expectancy was held out to us as resulting from a suppression of the slave trade, but Great Britain hath no power to suppress that trade: she may quit her share of it indeed; but I have shewn that such share so abandoned, will be quickly seized by others, and the slave trade be carried on with new exertions and rivalship on every part of the coasts of Africa.

The African trade, which we are called upon to surrender at once and without preparation, and with no indemnification of commerce whatever, is, in its connections at least, a matter of the greatest concern.

As to the traffic for slaves in itself, and resting on its own grounds, whether considered as a trade of export, or as a carrying trade, or as part of our navigation, I declare most explicitly that I cannot be its advocate, on any one question even of national expediency: but as a resource, I hope and trust a temporary resource, to our West Indian Colonies, it derives from its connection with them an importance touching the very existence of the British empire. Should the motion of this night be adopted, I presume not to measure the extent of ruin in the islands, and decay in their commerce, as dependant for a time on that with Africa. How little in such case the West Indian commerce might become, I dread to think of! how great that commerce actually is, I will shew

shew briefly and in part only. To follow it through all its various channels and to the extent of its course, would require more time, even in the mere statement of articles and items, than this debate would admit of. In the year 1787 the exports from Great Britain to the British West Indian islands are stated in the Report of Privy Council as follows:

	£.
British manufactures in value —	1,441,048
East Indian goods — — —	23,570
Foreign goods — — —	174,084
	£. 1,638,702

There were employed in the above export trade 527 ships, of which the aggregate tonnage was 124,454 tons.

In the same year 1787, the imports from the British West Indies were taken at a very low valuation £. 3,749,447

The excise and customs paid on which were - 1,614,689

These imports were freighted in 573 ships, of which the aggregate tonnage amounted to 131,934 tons, which is considerably above one eighth of the whole commercial tonnage of these kingdoms estimated in 1789 at 1,054,000 tons.

In stating mere articles of import and export, and the shipping employed, I know well that many direct as well as collateral branches of national and mercantile advantage are omitted in the estimate.

Moreover I pursue not the trade, even thus narrowed to particular articles, beyond an immediate intercourse between the Colonies and this island: I pursue it not to Africa, nor to America, nor to Ireland, nor above all to the fisheries of Newfoundland, or to the fisheries on your own Coasts. Indeed the capital engaged in this great trade, circulates through every vein; every the minutest duct of the political and commercial frame of these countries: it is connected with and invigorates every other part of the system, and if withdrawn, there would succeed a stagnation, an universal torpor, a death to every energy which now makes our state flourish in wealth and in power.

This is what you are requested to endanger at least, by a vote for immediate abolition of the African slave trade; a vote which cannot have even the effect set up against so many actual mischiefs, and so many apparent hazards; a vote which must heap new calamity on the heads of the slaves in Africa, and of the slaves on the plantations, whom alone it professes to serve.

I hope I shall not be told that it professes to serve the planter himself. Certain examinants in your Committees, indeed, hav

have questioned to something like such effect, and talked of ruin to the planters from the purchase of negroes, as a kind of rule.

Sir, the planters have generally stated their alarm from every quarter, and have come with their petitions and Counsel to your bar deprecating the abolition of the slave trade. They might, I think, have been spared the irony, the insult, of its being intimated to them, "that such abolition "was meant kindly to them, and for their particular ad- "vantage."

The effect of cutting off all means of supplies of fresh negroes to the Colonies, would certainly be enhancing the value of those actually on the plantations, and thus on the few estates mentioned as being so circumstanced in point of proportions of sex, as to increase naturally and by births, would operate partially as an advantage to particular planters. But the generality of the planters would be more or less affected in a different way.

Those unembarrassed by mortgages or contract of consignments might forego the culture of much of their estates, and as their numbers of negroes decreased in the first instance, they might apportion the extent of cultivation to the ease and health of the remainder, and thus in a length of years possibly surmount the obstacles to population, and leave to their children, estates replenished with people, on the temporary sacrifice of their own income and comforts: this truly would be a glorious sacrifice. But I have already stated how few there are in a condition to make such a sacrifice!

Most of the planters are much indebted. The alarm which the measure would spread among the creditors in Great Britain would operate to recal their monies, or certainly to require more than ordinary punctuality in discharge of the interests of their debts. The latter demand must at any rate be a consequence of their property resting in general opinion on a mere experiment and speculation. But it is not too much to assume, that many may not permit the loan of their fortunes to rest on a security under circumstances of probable or possible deterioration, which, once incurred, can never be retrieved. If the capital of debt is not at once demanded, yet conditions of payment by installments must in such case be rigorously exacted. Hence the planter, pressed for certain payments, under all the uncertainties of seasons, and under all the casualties to which his estate is liable, must on every dearth or disease spreading around him, require extraordinary labour on his plantation, and which labour must from year to year incapacitate his slaves for any labour at all: his people must be overworked, must be rendered miserable, and himself be finally ruined and wretched. This statement

statement applies to estates in full cultivation: in cases where estates are not in full cultivation, or not supplied already with negro labourers, equal in number to work the plantation to its full extent, then so much of the plantation as there are not people to work, is lost, or, in other words, so much is, by the act declaratory of suppression of the slave trade, taken from the proprietors. If the person so became a proprietor either by his money paid, or by the sweat of his brow fertilizing the land granted in original colonization, he hath no petition, no prayer, he hath a claim of right for indemnification, on the mother country; which first encouraged his enterprize, and which having given him a title, or perhaps even made conditions of his procedure, is bounden to pay the price of the adventure, in terminating its progress, and in frustrating its promise of advantage.

I have spoken to distress and ruin in the Colonies, as operating gradually: but may not the effect of the measure proposed be more sudden, a paroxysm, a convulsion of wretchedness and desperation? I will not prophesy details of insurrection and of revolt. We all know that such consequences are within the estimate of disaffection resulting from oppression, whether of the slave over worked by the British planter, or of the British planter, deprived by arbitrary and contemptuous authority at once of his fortunes and of his honour. It seems to have been contended, almost with equal earnestness and zeal, to place the slaves in their due rank of men, and to dispossess their masters of the very characters of men. Perhaps an experiment in actual proof of the latter proposition, may not be an experiment either very profitable, or very safe.

Having trespassed so much on your time, I should forego all animadversion on topics apparently irrelevant to the question before you; yet there is one subject, which I feel myself especially called upon to mention, if not to discuss. Sir, it is with pain that I for a moment advert to the very extensive volume of evidence relating to the West Indian planters: I shall merely touch upon its general turn and matter, in justice to those whom it tends, I trust harmlessly as invidiously tends, to vilify and degrade. Indeed the Colonists have, in the course of this business, been no ways spared; their fortunes, their characters, have been equally and cruelly sported with. A hasty admission of all sorts of tales from all sorts of men; an over curious investigation of facts, too atrocious and too singular to serve as lessons for reform, though, well calculated as topics for reproach; and a responsive zeal in the witnesses, so very intemperate as occasionally to disregard even consistency in allegations, characterize many parts of the evidence relating to negroes in the islands. Some of the persons who have been brought forward to speak of the conduct

duct of masters towards their slaves, begin with strong assertions of general cruelty and ill treatment; then examinant asks, "Can you mention any instance?" "Yes," says the ready witness, "I can mention an instance." He then tells his dreadful story, and that story, with all its exaggerations, perhaps stated too on mere hearsay, is confounded with the prior general assertion: if such procedure hath the inference in view, which it seems to have; it constitutes, on proper logical analysis, a mere calumny, aggravated by fallacy and disingenuousness, in so arranging the terms of the proposition, as to insinuate a generality from an instance; a rule of conduct from an exception.

Such critical investigation is not however always requisite, in order to ground the censure which I presume to pass on parts of the evidence. When I am told of the combined precautions, and cruelties of punishment inflicted on women in an advanced state of pregnancy; the tale is a calumny on the face of it, contradictory in itself, and repugnant to human nature, and to every principle of human actions. An historian who valued his credit with the world, would have been cautious of introducing such a tale on any authority whatever, even into the memoirs of a buccaneer of Cromwell's time. Yet this tale is more than once introduced into what is termed, evidence of the conduct of British planters, of British gentlemen, and their British servants, in the liberal, the enlightened æra of 1791!

I will not condescend farther to combat particular cases and instances. The self contradictions and inconsistences of some of the witnesses are such, as outdo all the views of a cross examination, and betray the parties most completely into the hands of those who may think them of consequence enough to engage their attention: but I must advert, although I cannot advert without regret indeed to that part of the evidence where the questions are directed to an invidious comparison, looking to a degradation of the humanity of a British planter, below that of a Frenchman, of a Spaniard, of an American, or of a Dutchman, in similar relations of master to the slave. One of our best comic writers discriminated better the pretensions of our people, when wishing to shew benevolence in its genuine and fairest colours, he personified it in the character and conduct of "The West Indian."

In thus reprobating the matter and the manner too of much that hath been said in allegation before your Committees, I by no means assert, that many good and intelligent men have not given just and candid accounts of the treatment and condition of slaves.

Of all such evidence I should avail myself whenever a regulatory system is introduced; for I would wish such system pursued in the West Indies, till not one slave is left dependant on the relative character of the master, but be at least as secure, I would say more secure, than an apprentice in this country. The colonial Legislatures have already gone far in such system respecting their own immediate province. In Africa, and on the seas, our part in the business is scarcely begun.

In the mean time, it is requisite that the intentions of the British Parliament should not be misunderstood. It is necessary that the alarms which have arisen, in consequence of an immediate suppression of the slave trade being in agitation, should be quieted, and that great question closed. This the credits and connections of the moneyed and landed interest in the West Indies require; as likewise the temper of the negroes, and general peace of the Colonies.

Moreover the system of regulation, and gradual and proper attainment of the great ends of justice and policy in view, require that our attention should not be drawn away, to a measure idly and vainly professing to anticipate, and render unnecessary the objects of that attention.

Under these impressions, I heard with satisfaction, that the motion was such as to put us at issue on the question, "That there should be an immediate and unqualified suppression of the slave trade, on the part of Great Britain and her Colonies." That question has my decided negative.

Sir, before I sit down, I must appeal to the powerful and able advocates for my honourable friend's motion, and who may assume a share in this night's debate, for temperate and fair construction of the part which myself and others may take with me, on the present occasion. I will not repeat hasty expressions, thrown out at the close of yesterday's debate; but if resumed, I would suggest to those who may resume such language, that not unaccustomed to speculation on the human mind, and on human actions, I must auger ill to the success of a cause, the principle of which being "good will towards man," is sustained by advocates, who treat the opinions and conduct of those in opposition to them, neither with moderation, as men; nor with charity, as Christians.

Sir, I return my thanks to the Committee, for their patience and attention to that, which I have thought it indispensible in me, circumstanced and connected as I am, to offer to their consideration. I shall sit down in full confidence, that the event of this night will shew, that the good sense and true benevolence of a British House of Commons are not

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to be fascinated by eloquence, or drawn aside by any influence, when the road to the true interests and welfare of their country and of mankind is before them, and clear, and direct: it leads to a rejection of the present motion.

Mr. *M. Montagu* declared, that he gave the most unqualified approbation and support to the motion made by his honourable friend, and pledged himself, if this motion should be rejected, to renew it at some future time, protesting, that while he had breath and power to use whatever abilities fell to his lot, he should exert himself to the utmost to obtain an object so desirable to every lover of justice, and every friend to mankind.

Mr. Montagu.

Lord *John Russell* admitted, that the ideas attached to slavery were repugnant to our feelings; yet, he conceived that all the advantages which were supposed to result from the present motion, would prove visionary and delusive. It was only a feeble attempt, without the power, to serve the cause of humanity. We might relinquish the trade; but the consequence would prove that it would be taken up by other nations. The African slave trade might admit of many regulations; and whenever a bill of regulation came forward, no man would be more ready than himself to lend it his support. In this way, the rights of human nature might be asserted, without injuring one individual, or the commerce of the kingdom. He hoped that he should not incur very severe censure for what he had said, as he was not sensible of having a hard heart, let his understanding be what it might. His heart was as free and as accessible, as the rights of justice and the cause of humanity required.

Ld. John Russell.

Mr. *Stanley* spoke strongly, and at very great length, against the abolition of the slave trade, as oppressive and unjust upon a great body of planters and merchants, injuring them without any prospect of recompence, and from ideas of humanity to the negroes, which were ill founded. Thirty years experience of the situation, and that of the planters and others connected with the trade, gave him some right to believe that he knew the true state of the case as well as most people. Of the evidence, some parts were true, some he knew to be fallacious, and others much exaggerated. He hoped, therefore, gentlemen would not lay such implicit stress upon it, as friends to the abolition wished them to do. Many respectable names had been introduced, and their opinions quoted, as authorities; amongst others, he would mention Admiral Barrington's, which avowed the necessity for discipline among the negroes, such as was practised by the wisest and best planters, else it would be impossible to keep them in any kind of subjection or order. He might be answered, that naval men were accustomed to see harsh treat-

Mr. Stanley.

ment, and lashing of men, and therefore little disconcerted by it; but would this be a fair or liberal way of treating such authority as he had mentioned? He likewise read, as an authority that slavery was not incompatible with Christianity and religion, opinions of the Bishop of Gloucester, and stated, that if slavery was abolished, the negroes would suppose themselves on a footing with their masters, and then an end would be put to all order, management, and safety. If it were carried into execution, he thought we might as well give up our colonies and islands entirely at the same moment. The insurrections in Dominica, he was well informed, had originated from the discussion of this question in England, which was sent from France to the slaves in Martinique, and from thence communicated to those of Dominica.

It was certainly the interest of the planters to increase the population of negroes, and if humanity did not dictate to them to treat them properly, their interest would; for it was well known, that one of those who were called seasoned negroes, were worth at least two African slaves, many of whom died before they were seasoned. He knew a great many planters, and believed, in general, that they all treated their slaves very properly. With regard to the horrid instances of miserable wretches been seen in the situations described by some of the evidences, from the cruelties of masters, these instances, he imagined, had been collected by those who were not much acquainted with the country, and had only been in towns, where they might, perhaps, have seen examples of the enormities committed by some monstrous rascals who were neither frequent nor common. He wished some salutary regulations could be thought of, and if any one brought them forward, the planter would give him every support and assistance in their power, but he never could agree to a total abolition. He then described the situation of Antigua, Nevis, and St. Christopher's; arguing still for the necessity of slavery in those islands, and supporting his positions with extracts from Locke, and once or twice from the scriptures.

Mr. W. Smith

Mr. *William Smith* rose next, and observed, that it was not his intention to have taken the least notice of the argument attempted to be drawn from scripture, in support of the slave trade, because, although he had seen it urged in some pamphlets, it had always appeared to him so extremely absurd and superficial, as to be totally undeserving of any reply. He thought it adapted merely *ad captandum vulgus*; to impose on those who never took the trouble of thinking; and he had imagined, that gentlemen would have paid more respect to the discernment of the Committee, than to have brought it forward there. Nor, though the

the honourable gentleman who spoke last had adverted to it, could he suppose, for a moment, that the good sense of the House could be misled by a few perverted or misapplied passages of scripture, in direct opposition to the whole tenor and spirit of Christianity; to the theory, he might say, of almost every religion which had ever appeared in the world. Whatever might be ingeniously advanced in debate, every man must feel, that the slave trade could not exist an hour, if that excellent maxim, which lies at the very basis of Christian morality, "To do unto others as "we would that others should do unto us," had its proper influence on the conduct of men.

The honourable gentleman had equally surprised him, by another of the arguments on which he had appeared to rely, the weakness of which was equally apparent "The antiquity and universality of slavery." It was impossible not to see, that from the mere existence of any practice, not even a presumption could be formed in favour of its justice or propriety. By this argument, if, indeed, it deserved the appellation, every vice and crime might be defended, which had disgraced mankind, from the days of Cain, the first murderer, to the present times. The slaves of antiquity, however, even under all the hardships they suffered, were in a situation far preferable to that of negroes in the West Indies. The state of slavery then was not so degrading as that in which the wretched Africans are holden in these modern times: and a word, "Paterfamilias," used by the honourable gentleman, had reminded him of a passage which exemplified this, in the strongest manner: "*Domini*," says Macrobius, "*a majori-*"*bus nostris, Patresfamilias, servi Familiares appellati sunt;* "*quòd vellent, in vocibus, a Domino omnem invidiam, a servo* "*omnem contumeliam, detrahere*"—"Our ancestors denomi-"nated the master, Father of the Family, and the slave, "Domestic; with the intention of removing all odium "from the condition of the master, and all contempt from "that of the servant." Could this language be applied to the present state of West-Indian slavery?

It had been complained of by many gentlemen who espoused the opposite side of the question, that, in supporting their cause, they laboured under very great disadvantages; and among others, that they had to contend against the most splendid abilities of which the nation could boast. Though he was as little disposed as any man to depreciate those admirable talents, on both sides of the House, which were so honourably united on this occasion, in favour of justice and humanity, yet he knew, that among his antagonists also were men of great abilities, which, he doubted not,

not, would be exerted to the utmost in defence of the opinions they had adopted. But there was one disadvantage, under which those gentlemen laboured, of great weight indeed, arising from the nature of their cause, and for which no talents could compensate, the impossibility of maintaining their ground fairly, on any of those principles which every man within those walls had been accustomed, from his infancy, to venerate as sacred. He, and his friends, Mr. Smith said, had lain under some disadvantages also: a ridiculous charge of fanaticism had been alledged against them, which he regarded as totally unworthy of any formal reply. It would be more than sufficient to quote, in answer, the words of Mr. Long, the historian of Jamaica, where, addressing himself to those planters who were desirous of attempting improvements in cultivation, he advises them "not to be diverted by partial "views, vulgar prejudices, or the ridicule which might "spring from weak minds, from a benevolent attention to "the public good." Neither by such, Mr. Smith added, nor by any other considerations, would he, or those gentlemen with whom he had the honour to act, ever be diverted from the prosecution of their purpose. They were convinced of the rectitude and high importance of their object, and were determined never to desist from the pursuit, till the end should be completely attained.

But they had to struggle with some difficulties far more serious. The West-Indian interest which opposed them, was a collected body, and of great power, arising not merely from extensive mercantile connections, but also from the respectable characters of many of the individuals, and the high estimation in which they stood with the world. He was happy to be able, from intimate acquaintance, to bear his testimony to the justice of this opinion, in numerous instances; and one of the most fruitful and frequent sources of the hardships and injuries which the slaves endured, was, he doubted not, the absence of such masters, whose inclination would coincide with their interest, to attend to and protect them.

Artifice had also been employed, and unfair statements on various points, had been used, to impose on the House, and on the Public. The abolition of the slave trade, and the emancipation of the negroes now in the Colonies, had been so often, so long, and so pertinaciously confounded, and by some too who must have been better informed, that he could not avoid believing that it had been purposely done, with the intent of throwing odium upon this measure; and, with the same view, its supporters had also been unjustly accused of having given birth to the late insurrection in Dominica. A revolt certainly had happened there; but that island was

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known to be particularly liable to such disorders; they had frequently occurred before; nor, if this question had never been agitated, would it have been at all improbable, that, in the course of three or four years, during which period the business had remained under consideration, such an event should have taken place in one or other of the islands. But he was peculiarly happy in having to oppose to any such groundless accusations, the authority of the honourable gentleman who spoke last, (Mr. Stanley) who, even in an attempt to fix the charge, had related circumstances which amounted to an entire exculpation. He expressly said, that all had remained quiet till the disturbances took place in the French islands, after which some of their negroes, and some other persons, from some other places, (but who, or from whence, it did not appear that the honourable gentleman knew) had found their way into Dominica, and had excited an insurrection. And the honourable gentleman, as if anxious entirely to clear the movers of this question from any share of the imputed blame, had farther said, that the negroes now in the islands knew the British Parliament did not intend to emancipate them, and were therefore dissatisfied with the attempt to abolish the trade, by which they imagined they should be subjected to increased hardships. It must, therefore, on that ground, be absurd to pretend, that the resistance of their masters to the abolition which they deprecated, could excite their resentment, or dispose them to revolt.

Other fallacies had also been propagated, in order to enhance the importance of the African and West India trades to this country. Of the African trade it had been falsely remarked, that the exports amounted annually to a million sterling; whereas, from the report on the table, it appeared, that at no period had they ever risen to 900,000l., and, on average, they had amounted to little more than half a million; which included also the articles intended for the purchase of African produce, the return for which was about 140,000l. per annum. The House had been informed, two years ago by a Mr. King, that one merchant in London had sent goods to Africa, to the amount of 100,000l. in a year; in which, however, the value of the ship was included; an attempt at exaggeration so gross, that he was sure, had it been remarked at the time, the evidence would have been rejected with indignation; and indeed the testimony of any person, attended with such a circumstance, could not but be regarded throughout with a degree of suspicion.

The East-India trade was also declared very much to depend on the West Indian and the African trade. The export of East-Indian commodities to the West Indies was trifling;

fling; and a principal point in which that trade might be said to be connected with the African, was this: saltpetre, the main ingredient in the manufacture of gunpowder, was largely imported from the East Indies; and of 2,700,000 pounds of gunpowder, which had been exported in a year from this country, one half was sent to Africa alone; for the purposes, doubtless, of maintaining peace and encouraging civilization among its various tribes! Following the same line of argument, 4 or 5000 persons were reported to depend, for their very existence, on the particular manufacture of guns for Africa; and this branch of the trade was described as totally differnt from every other. In what the difference consisted, the informant omitted to mention; but that defect was supplied by one of the witnesses, who had repeatedly seen negroes maimed by the bursting of these guns, and who had been told by them, that they killed more from the butt than from the muzzle. Another witness had stated, That on the sea coast, the natives are afraid to fire a trade gun.

In the West Indian commerce, 240,000 tons of shipping, and 21,000 seamen, were stated to be employed; but here again deception intruded itself. This account was not, as gentlemen might imagine, that of the ships engaged in the intercourse between Great Britain and her colonies only; but it included every vessel, small and great, which went from the British West Indies to the Continent of America and to the foreign islands; and, what was yet more unfair, in order to swell the sum, it included too all the repeated voyages of each throughout the year. The actual quantity of shipping occupied in the West-Indian trade, both from Great Britain and Ireland, little exceeded half that which had been asserted, nor did the number of sailors, supported by that trade alone, amount to ten thousand!

In a similar manner, had the islands themselves been overrated. While, from official documents, their value had been computed, for the information of His Majesty and the Privy Council, at 36 millions, the planters had thought proper almost to double the sum, and estimate them at 70. The truth, however, might possibly lie between these extremes. Mr. Smith added, that he was sorry to have taken up so much of the time of the Committee on this part of the subject; but he thought it necessary to animadvert upon, and to expose, misrepresentations so palpable and excessive; while, at the same time, he was very willing to allow, that our West-Indian trade and dependencies were of so much real importance, as not to require the aid of such exaggeration.

He would next proceed to take notice of various opinions and assertions, which had fallen from different gentlemen in the course of the debate. The honourable Member for Liverpool

verpool (Colonel Tarleton) had disclaimed every attempt to interest the feelings or passions of the House, but had desired to call them to reason and to accounts. Many gentlemen remembered when "question of feeling," was rather an obnoxious phrase; but if ever there was a question of feeling, a question which ought to interest the best and noblest feelings of the human heart, it was this; but he did not wish to have the point decided on that ground alone. He also desired to draw the attention of the Committee to reason and accounts—to the voice of reason, instead of the clamour of prejudice, and to accounts, in the place of idle and ill-founded apprehensions. The result, he doubted not, would be a full persuasion, that the measure proposed was equally sanctioned by policy, and required by justice. He, indeed, was convinced, that true policy and strict justice were inseparable, and that no country could suffer, in any of its essential interests, by the most scrupulous adherence to the principles of rectitude and the dictates of humanity. In the present case, however, he thought it totally unnecessary to recur to humanity, as to a principle which might grant what justice might deny; for he would concede every point to his adversaries, and utterly abandon his object, if it were not demonstrably clear, that justice itself, in the most rigid and confined sense of the term, loudly and absolutely demanded the abolition of this horrible traffic.

The honourable Member had enlarged on the iniquity of depriving the traders of Liverpool of a business, "on which "were founded their honour and their fortunes." On what part of it they founded their honour, it was impossible, Mr. Smith declared, for him to conjecture; but of this he was confident, that no West Indian gentleman in that Committee would rise to defend the honour of the African trade. Among many other circumstances, equally honourable, it had appeared, in evidence, that the agents, employed in actually carrying on this business, had systematically practised every fraud and villany, which the meanest and most unprincipled cunning could suggest, to impose on ignorance; and yet, with unparalleled assurance, were the Africans accused of treachery and deceit, shame on them, with such brilliant examples of integrity before their eyes!

If there were any circumstances in the course of this proceeding, Mr. Smith said, which he had peculiarly regretted, it was a defect to which the honourable gentleman had adverted, that the evidence had not been taken on oath. Numberless facts had been related by eye-witnesses, called in support of the abolition, so dreadfully atrocious, that the very magnitude of the crimes, their horrible enormity, rendered them almost, if not entirely, incredible to persons acquainted

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only with such a state of society as exists in this country; they seemed rather, to use the expression of Ossian, like "The histories of the days of other times." This procured for the trade to which they owed their own birth, a species of acquittal which it could not have obtained, had the Committee been authorised to have removed all objection to the validity of their testimony, by the sanction of an oath. He apprehended also, that it would have had the farther advantage of making some persons rather more guarded in the testimony they had given. Captain Knox might not then, perhaps, have told the Committee, that 600 slaves could have comfortable room at night, in his vessel of about 140 tons; when, by a calculation given in by another of their own witnesses, and strained to the very utmost towards the same point, it appeared, that such a vessel could afford no more than five feet six inches in length, and fifteen inches in breadth, to 418 only, or about two-thirds of his number; nor, perhaps, would he have maintained that, in another ship of 120 tons, he had carried 130 tons of water only, besides five hundred persons, with sufficient provisions and stores, &c. for them all. Mr. Smith said, the thing was impossible; the most informed knew it was not true, and the most ignorant could not swallow it. On account of these, and an infinite number of inconsistencies, equally flagrant, which he could mention, he sincerely wished that the witnesses had been required to give their evidence on oath.

The next point on which he should observe, was of great consequence, and had been much insisted on—the importance of the slave trade, as a nursery for seamen. In full confirmation of every word which had been asserted on this head, by the advocates of abolition, and to the confusion of those who had contradicted them, it had appeared, by the muster-rolls of the slave vessels, brought from Liverpool, the production of which would have been avoided, if possible, that considerably more than one-fifth part of the men employed in them actually died in the service, amounting to several hundreds annually, exclusive of many who were discharged and perished in the West Indies; and yet, the honourable Colonel had been instructed by his constituents to say, that notwithstanding this vast loss, unheard of, almost impossible, in any branch of legitimate commerce, it was still a nursery for seamen; for that about 3000 men annually sailing from England, 1600, or one half, were landsmen, and therefore, that though 600 or 700 should die, a great number of seamen were continually forming. Not to dwell on the expensive cruelty of forming these seamen, by the yearly destruction of so many hundreds, whom these gentlemen of Liverpool seemed entirely to disregard, if they could prove them to be only

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Englishmen, and not sailors, Mr. Smith declared he was astonished that these people should have no more respect for their honourable representative, than to expose him to the unpleasant circumstance of having his assertions directly contradicted by the clearest and most undeniable evidence. Not only did it appear by the muster-rolls from Bristol, that the proportion of landsmen little exceeded one-twelfth part, but the proper officers of the port of Liverpool itself, whose business it was to be acquainted with the subject, had, in their answers to the Privy Council, expressly stated the proportion from thence to be, not half, but one-sixteenth part only! In the face, however, of the most glaring facts, some persons had been sufficiently bold, or uninformed, to say that the mortality in these vessels did not exceed that of other trades in the tropical climates. The same documents, by which we learnt that, in this wasting traffic, 23 per cent. of the men were destroyed, informed us, that even in the West-Indian ships, only about one and a half were lost, including every casualty; and indeed he should vary much alter his opinion of the value of the latter commerce, if it were possible for human ingenuity to prove it equally destructive. But the very men, under whose management this mortality had been constantly occurring for a succession of years, coolly informed us, that much of it might be avoided by proper regulations. He would be glad to know, then, for how much they would have to answer, who, knowing this, had neither publicly proposed, nor in their practice adopted, such regulations. Exclusive of another, and a more serious account, which they would have to render, let them recollect that it was upon them that their country had a right to charge the destruction of multitudes of their fellow citizens. They were not, they could not, be ignorant of what was perpetually under their observation; but their whole souls were occupied with another object; their attention was alone directed to the ultimate profit of the voyage; and, any farther than as it diminished their expences, the waste of a perishing crew was a trifle beneath their concern!

Objections had been raised to a calculation brought forward by his honourable friend (Mr. Wilberforce) on a former occasion, in which the average loss of the slaves on board was stated at 12 and a half per cent. It was not of great consequence whether that proportion was truly exact: he was himself persuaded that, taking in all circumstances, the honourable gentleman had not exceeded the truth; but that, for a series of years, not less than one tenth had so perished, he would challenge those concerned in the traffic to disprove. Much evidence had been produced on the subject, but both the persons and the voyages had been generally selected by

those who possessed almost all the information, nor had any one of them thought it prudent to disclose the black catalogue of death throughout the whole series of his concerns, except Mr. Anderson, of London, a gentleman, he believed, of very fair reputation, and whose engagements in this line had been very inconsiderable. His loss, indeed, on the trifling number he had exported, had been only 3 per cent.; but, unfortunately for the credit of the slave traders of Liverpool and Bristol, it appeared, on the face of the account he had delivered, that his vessels had not taken above three fourths of that number in proportion to the tonnage, which they had uniformly and repeatedly stated to be absolutely necessary to the very existence of their trade; and it appeared also, that a commerce in the produce of the country was Mr. Anderson's favourite object.

Another honourable gentleman (Mr. Grosvenor) had, on the preceding day, attributed the protraction of this business to those who had introduced it; but very forgetfully and erroneously: for, notwithstanding the eagerness which its enemies had frequently expressed to bring on the decision, the original motion for farther evidence, beyond that contained in the Privy Council's Report, which first occasioned delay, was their's. And, in the examination of witnesses, the last Parliament, they had occupied by far the largest portion of the time employed; while, in the present session, when he and his friends had not been much interrupted, they had not exceeded the limits which the House had assigned them. The honourable gentleman had farther remarked that Great Britain had the same right, by natural law, to carry on this trade, that any other nation possessed; that it was impossible to abolish it; and that the Committee had better be easy and quiet, for that they were happy. His first position Mr. Smith did not mean to deny. We undoubtedly possessed a right to the trade equal to that of any other nation; but what that right could be, he was unable to imagine; nor had he been so fortunate as to discover the law on which it was founded in any code or system of natural, or any other law, with which he had ever met. As to impossibility, none certainly existed, of forbidding the farther importation of slaves into our own colonies, and beyond this, the motion did not extend.

To the honourable gentleman's last observation, he would reply, that it was not on account of any supposed unhappiness of Parliament that it was called on to decide the question. In their individual situations, gentlemen undoubtedly were happy; but did it, therefore, the less behove them to consider the happiness of others? And was the state of Africa happy? Was the situation of the slaves a happy one? The

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trade was replete with fraud, cruelty, and rapine. The facts were acknowledged, and on record; even Mr. Long, before quoted, confessed, "That, in Africa, it was certainly "the custom to go to war, for the purpose of making slaves." To deny these charges, had been truly owned by Mr. Edwards, even in the Assembly of Jamaica, to be no better than "mockery and insult." That it was indeed mockery and insult, Mr. Smith said, he would never cease to repeat in the ears of every one who should attempt to contradict what had been so incontestibly proved: and, for himself, he was ready to declare, that, as an Englishman, he should never be happy, while he considered his country as contributing, by persevering in this traffic, to perpetuate misery, and to encourage the commission of every species of crime.

From the concession of his honourable friend, of the already meliorated state of the slaves in our colonies, and his assertion that an increase was actually begun, it had been argued, that immediate abolition would be a violent, and, therefore, an imprudent measure; and that it might affect public credit. But surely nothing could be plainer than that an increase commenced, was the best possible answer to the charge of violence, as it precluded all danger of injury to the islands, unless from their own subsequent misconduct; and though he would chearfully and confidently commit the question of public credit into the hands of a right honourable gentleman, yet he could not avoid observing, that this argument was, like many others, indeed, which gentlemen had used, a mere *petitio principii*—an assumption of the great point of the controversy.

In what remained for him to observe, he should proceed with the less satisfaction, as a wide difference of opinion might lead him to treat very lightly the arguments of his honourable friend, who had opened the debate of that day (Sir William Young) by whom, however, he knew he should be acquitted of any personal disrespect. The honourable baronet, with some other gentlemen, acknowledging the object aimed at, to be in itself highly praiseworthy and desirable, had argued against the proposed measure, on the ground of its inefficacy to the attainment of the end; because, that, though we might instantly abandon the trade, it was impossible for us totally to suppress it. Allowing then this impossibility of a total and immediate suppression, were there no important advantages to be gained by our dereliction of the commerce? whether we considered our own honour, or the probable efficacy of example, would it be nothing publicly to recognize and establish a great and just principle of conduct, in an affair of such vast moment? in the extermination of every evil, and especially of those which were fortified by

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the sanction of time and authority, it was necessary that some one should lead the way. Let the British Parliament then, as became the senate of a virtuous and enlightened people, bear its decided testimony against this flagrant iniquity: let it maintain its foremost rank among the nations, by setting a noble example, and he would not affront the House by the supposition, that its conduct would have no influence on the other countries of Europe. But should all feelings of honour, or of generous emulation, in such a cause, fail to operate, he doubted not that France, and Spain, and Holland, and Denmark, would soon learn, from our experience, that, by proper management, such as it was no less the duty than the interest of every country to enforce, American Colonies could be cultivated without the necessity of continual supplies, equally expensive and disgraceful. Nay, he was perfectly convinced, from a long and careful investigation, that, in most of the islands, it was merely the existence of this supply which prevented the actual increase from being, even now, perceived.

The reasoning of the honourable Baronet, on the contrary, he was sorry to think, tended to the perpetuation of the abuse; as universal concurrence in any political measure, however wise, was not to be expected. Every man knew that the custom of selling their prisoners of war into slavery, existed among even the most civilized states of antiquity; and no one was so chimerical as to imagine, that it would ever have ceased, had it been necessary to have waited for its abolition till all nations, in general assembly, had renounced it by mutual consent. But we might do more than merely lay down principles, or propose examples: we might, in fact, diminish the evil itself immediately, by no inconsiderable part—the whole of our own supply; for he could not at all agree with the honourable Baronet in what seemed to him a commercial paradox, that taking out of an open trade, by far the largest customer, and lessening the consumption of the article, would increase both the competition and the demand, and, of course, all those mischiefs which he allowed to be the uniform consequences. Nor could he admit, in exculpation of this trade, that it ought not to be made answerable for those acts of barbarity with which the wars of savages always were, and ever had been, stained; or that, by its kind interference, many were only doomed to perpetual slavery, who would otherwise be devoted to destruction. He should have considered these cruelties as affording another, and a most powerful motive, for putting a period to a certain and acknowledged cause of these wars, rather than as a reason for suffering the cause to exist, for the sake of an uncertain and disputable alleviation of the evils which it occasioned.

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That the civilization of the Africans was promoted by their intercourse with the Europeans, as at present conducted, was an idea utterly void of all foundation; as appeared most undeniably from the tenour of the evidence. In dress, in manners, and in dishonesty, they had, indeed assimilated much with those who frequented their coasts; but the greatest degree of industry, and the least corruption of morals, generaly prevailed where they were least acquainted with the benefits of this civilizing connection.

To relieve the continent of Africa from the miseries occasioned by famine, was another of the benign reasons for continuing to excite wars and to carry off its inhabitants. That famines had sometimes occurred, he did not doubt; that they were either very frequent or very destructive, the proof was extremely slender indeed; but that they should annually visit those devoted countries, and with such arithmetic exactness as to render necessary a remedy so violent in its execution, but so uniform in its quantity, was a circumstance most extraordinary—so wonderful indeed, that, could it once be proved, he should consider it as a far better argument in favour of the divine approbation of the slave trade, than any which had ever yet been produced.

As to the effect of the abolition in the West Indies, he was convinced, notwithstanding the arguments which had been urged, that so far from being ruinous, it would give weight to every humane regulation which had been, or should be, made; by substituting a certain and obvious interest, in the place of one depending on chances and calculation. An honourable gentleman had declared that, were the planters but convinced of the possibility of cultivating their estates, without farther importations of negroes, they would be happy to be freed from the expence of purchasing those supplies. This conviction, he believed, might be attained, if their reason alone required it; for, of all the legion of authorities which the honourable gentleman had brought to prove the impossibility for which he contended, there was scarcely one, which might not be pressed to serve more effectually against him. Almost every planter whom he had named, found his negroes increase under the good treatment he professed to have given them. And, in the islands of Barbadoes and Dominica, if, on the one hand, the proper usage of slaves had been proved by the respective Governors, it was also at least equally incontrovertible, from the evidence, that importations were not requisite to keep up their numbers. To the same point, and with equal ill success, Lord Macartney, who had resided three years in the West Indies, and whose character he highly respected, had been quoted; and what had his Lordship said on the subject? when

the question was first put to him, in the Committee, whether it would be prudent to abolish the slave trade, his Lordship had answered, that he was an incompetent judge. His Lordship was asked the same question a second time, and gave the same answer. Yet his Lordship, it was evident, knew just as much of the business as several other Governors and military persons who had been called, who, nevertheless, in support of preconceived opinions, had spoken very decidedly from very incompetent information. Nor had some other gentlemen been more cautious. Of the great island of Jamaica, which contained more than one half of the slaves in the West Indies, it had been seriously asserted, by several witnesses, that all possible means had been there used to keep up the stock by breeding, although it was allowed, that the morals of the slaves had been totally neglected, and that the sugar planters preferred buying a larger proportion of males than females; both which circumstances were acknowledged to be in a high degree unfavourable to population.

The great misfortune was, that prejudice, not reason, was the enemy to be subdued, and he was sorry to say, that the prejudices of the West Indians, on these points, were numerous and inveterate. An historian of their own body, speaking of the various difficulties raised against any proposed improvements, had described them in terms, which he could scarcely have used, without incurring their resentment; as "absurd," "antiquated," and even "detestable;" and yet, that with respect to the negroes, this gentleman himself was under the influence of the blindest prejudice, his own words afforded irrefragable proof. He characterised them generally, as replete with the extreme degree of every evil quality, unalloyed with the smallest mixture of any good whatsoever; and justified the practice of confining them in chains on board the African ships, on account of their "bloody, cruel, and "malicious dipositions." And though, after having given an account of some of the Aborigines of Jamaica, who had "miserably perished in caves, whither they had retired to "escape the tyranny of the Spaniards," he added, in language, worthy of an enlightened and philosophic historian, "leaving a glorious monument of their having disdained to "survive the loss of their liberty and their country;" he was yet incapable of perceiving, that this natural love of liberty might operate as strongly and as laudably in the African negro, as in the Indian of Jamaica.

He was yet more concerned to acknowledge, Mr. Smith said, that these prejudices were yet farther strengthened by resentment against those persons who had brought forward to the public eye, circumstances, by which the state of legislation and of society in the West Indies was undoubtedly

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deeply disgraced; and who had, to use their expressions, impertinently interfered in the management of their concerns. He was not at all surprised that men of reputation, of honour and of humanity, should feel quick resentments at finding themselves involved, to a certain degree, in the disgrace of crimes, of which they knew themselves incapable; and the commission of which, many, for want either of information or attention, were disposed to disbelieve or even to deny.

In exculpation of his friends and himself, Mr. Smith said, he must tell such gentlemen, that the relations which had been given were no less disgraceful than true; and that, on this head, they had proceeded, not wantonly, but tenderly, in the business that the facts which, out of many others, had appeared, they had thought it absolutely necessary to produce, not with the view of fixing an unmerited stigma, either on the whole body of West Indians, or much less on innocent and valuable individuals; but to prove the degraded and neglected state in which the slaves had been suffered to exist; which had incontrovertibly appeared, not from any evidence that extreme ill treatment was the general system, but from the frequency, the notoriety, and, beyond all, the impunity, of various species both of legal and of illegal abuse.

That they were exposed to much misery in consequence of their situation, was not only true in fact; it might have been previously asserted, without fear of contradiction, from a knowledge of their circumstances and of the pernicious effects of arbitrary power in the hearts, even of the best of men. Far worse consequences might reasonably be expected, as an honourable gentleman had well observed, from a union of the three characters of party,. judge, and executioner, too often in men unprincipled, uneducated, and prompted by interest also, to acts of severity. The slave too, was more unfortunately situated even than the brute, as being capable, from the superiority of his nature, of exciting, in a higher degree, the passions of his tyrant, he was liable to experience more violent effects of his resentment. And such effects were sometimes produced, and openly exhibited as would, in this country, excite a tumult of detestation and abhorrence. General Tottenham had given in evidence, that, in 1780, in the public streets of Bridge Town, the capital of Barbadoes, he met one of the most deplorable objects which the human eye, perhaps, ever beheld. "A youth about nineteen," to use his own words, "entirely naked, with an iron collar "about his neck, having five long projecting spikes; his "body, both before and behind, was covered with wounds; "his belly and thighs were almost cut to pieces, with run-"ning ulcers all over them, and a finger might have been

"laid into some of the wheals. He could not sit down be-
"cause his hinder part was mortified, and it was impossible
"for him to lie down on account of the prongs of his collar."
He came to the General and supplicated for relief, which, of course, was granted. The General asked him who had inflicted on him so dreadful a punishment? it was plainly not the judicial authority who had afflicted it. Could any Court have given such a sentence, they would have been hunted like wild beasts from the face of the earth. The youth told the General, it was his master who had inflicted the wounds; and because he could not work, his master, in the same spirit of perversion which extorts from scripture a justification of the slave trade, had fulfilled the Christian and Apostolic maxim, by giving him nothing to eat. Mr. Smith said, to use the language of Mr. Ross, if he wished to "harrow up their feelings," he could mention many acts. But the one he had just related, was mentioned by a General officer in his Majesty's service. The only use he meant to make of it was, to shew the unprotected state of the slaves, and to prove that there must be something fundamentally wrong in the laws and state of a society, where such a circumstance could publicly exist at all, much less unpunished, and almost unregarded. If, in the streets of London, but a dog were to be seen lacerated like this poor, miserable man, how would the cruelty of the wretch be execrated who should have so abused even a brute

Mr. Smith next remarked he was very sorry to have occupied so much of the time of the Committee, but, in order to give gentlemen, in one view, the strongest proof he was able, of the low estimation in which negroes were considered, from the strength of old customs, and deeply rooted prejudices, and of their debased and unprotected state, he would take the liberty, before he sat down, to relate two circumstances, in contrast, with a few observations. Mr. Edwards, in his speech before the Jamaica Assembly, having occasion to mention a "rebellion," as it is called, of the negroes, very pathetically told the following story:

"The rebels surrounded the dwelling house, and seized
"their unhappy mistress. She was young, beautiful, meek,
"modest and unoffending, and was in bed with a lovely
"infant, when the bloody savages demanded her person.
"Resistance and prayers were equally fruitless. The female
"slaves who attended her, dared not to express their pity,
"if pity they felt; but, having thrown a loose robe over
"her, delivered the miserable victim into their hands, and
"she heard the savages calmly deliberate on the means of
"putting her to death in torment. It happened, however,
"that her person and appearance excited the appetite of the
"ring-

" ringleader, who declared he would preserve her to be his
" mistress." The others reluctantly consented, and the next
" object of their cruelty was the child, which they devoted
" to instant destruction. Nature now resumed her seat in
" the bosom of the unfortunate mother. She screamed aloud,
" and clasping the knees of him who had spared her life, im-
" plored him to save her infant. She implored in vain.
" Holding up the poor babe by the feet in the mother's sight,
" they cleft it in twain with a hatchet." Mr Edwards pro-
ceeded to say, " that his audience would probably think,
" after hearing the account which he had then read, that no
" punishment could be too severe, no torments too great,
" for such horrible excesses. Nevertheless, he was of a diffe-
" rent opinion; he thought that simple death, unaccom-
" panied with any circumstances of cruelty, should be the
" utmost exertion of human authority over our unhappy fel-
" low creatures."

Torments, however, in these cases, always were inflicted, of the most horrible nature: the punishment was gibbeting alive, exposing them to perish by the gradual effects of hunger, thirst, and a parching sun; in which situation they had been known to suffer the most excruciating agonies for nine days with a fortitude scarcely credible, never uttering a single groan. And yet, without any attempt to lessen the mingled sentiment of horror and compassion, which every one must feel, or to justify the barbarity of their conduct, it ought to be remembered that these excesses were committed by ignorant savages, who had been dragged from all they held most dear, whose patience had been exhausted by a cruel and loathsome confinement during their transportation, and their resentment wound up to the highest pitch of fury, by the driver's lash, the utmost severity of which, their reluctance to labour, without pay, had doubtless excited.

The other story, Mr Smith said, which he should place in contrast with the affecting narrative he had just related, was the plain unornamented tale of a common seaman, who was an eye-witness to the fact, on board a slave ship; and he then read as follows, in the words of the evidence: " A
" child of about ten months old took sulk, and would not
" eat. The Captain took up the child, and flogged him
" with a cat, 'D—n you,' said he, 'I'll make you eat or
" I'll kill you.' From this, and other ill treatment, the
" child's legs swelled, and the Captain ordered some water
" to be made hot, for abating the swelling." But even his tender mercies were cruel; for " the cook putting his hand
" into the water, said it was too hot. 'Damn him,' said
" the Captain, 'put his feet in.' The child was put into
" the water, and the nails and skin came all off his feet.

" Oiled cloths were then put round them. The child was
" then tied to a heavy log, and two or three days afterwards,
" the Captain caught it up again and ſaid, ' I will make you
" eat, or I will be the death of you.' He immediately flog-
" ged the child again; and, in a quarter of an hour, it
" died." One would imagine, that the moſt ſavage cruelty would here have been ſatiated; but, extraordinary as it might appear, of this deteſtable tranſaction the moſt deteſtable part yet remained. After the infant was dead, he would not ſuffer any of the people on deck to throw the body overboard, but called the mother, the wretched mother, to perform this laſt ſad office to her murdered child. Unwilling, as it might naturally be ſuppoſed ſhe was, to comply, " he beat her," regardleſs of the indignant murmurs of her fettered countrymen, whom in barbarous plenitude of ſecure tyranny he permitted to be ſpectators of this horrible ſcene, " he
" beat her, till he made her take up the child and carry it to
" the ſide of the veſſel, and then ſhe dropped it into the ſea,
" turning her head the other way, that ſhe might not ſee it!"
Mr. Smith aſked the Committee if ever they had heard of ſuch a deed, on which ſome of the inconſiderate few laughed, and on hearing it, he declared, with great indignation, that he ſhould not have thought it poſſible for any one man in that Committee to have betrayed ſuch a total want of feeling, and that he was almoſt aſhamed of being a member of the Aſſembly, in which ſo diſgraceful a circumſtance had happened. But it would naturally be aſked, " Was not this Captain alſo gibbeted?" Alas! although the execrable barbarity of the European exceeded that of the Africans, almoſt as much as his opportunities of inſtruction had been greater than theirs, no notice whatſoever was taken of this horrible action; and ten thouſand ſimilar cruelties had been committed in this abominable trade, with equal impunity. Here, indeed, was the point to be moſt cenſured and lamented; for if the perpetrators had been brought to juſtice, he ſhould not have thought the facts themſelves more deſerving of being forced on the unwilling attention of the Houſe, than the cruelty of a Brownrigg, who had been execrated and puniſhed; or than that of the man who murdered his wife the laſt week, who, he hoped, would alſo ſuffer the puniſhment due to his crime. What he particularly complained of, Mr. Smith ſaid, was, that thoſe, and they were not a few, who, in the proſecution of the African trade, had been guilty of ſuch enormities, had eſcaped with abſolute impunity; and that, if in the Weſt Indies, a bright exception had occaſionally happened in favour of juſtice, the inſtances were too rare, and the puniſhments too inadequate to the offence, to produce any beneficial effect. On theſe grounds, therefore,

among

among others, he should give his decided and cordial vote for immediate abolition, as that which, in his opinion, alone afforded the prospect of an adequate remedy for the dreadful disorders which prevailed in Africa; to the cruelty and destruction of the Middle Passage; and would tend, though gradually, yet more efficaciously than any other plan which could be devised, to meliorate the situation of the negroes now in the islands; who at present enjoyed scarcely any other protection from the most capricious or severe tyrant, but that of laws, for them, almost without sanction, and of Courts, which totally rejected their evidence.

Mr. Cawthorne. Mr. *Cawthorne* said, that the story of the child, from its enormity, was impossible, as many other parts of the evidence might be refuted on the same ground. Of this there were many instances; one man said that the Captains of French slave ships, when they had not a sufficient quantity of water for the number on board, preferred giving them arsenick to throwing them into the sea. Another believed that the religion of Angola was the Roman Catholic. Did evidence so absurd deserve the least attention? In deciding on a question, which involved the abolition of the slave trade, they would do well to recollect what was required by justice to the islands, by humanity to themselves, and by general policy. He intimated, that if the honourable gentleman were to lose the question, as he trusted he should, he would make a motion of a different tendency.

Mr. Courtenay. Mr. *Courtenay* observed that he had heard, last night, the eloquent, pathetic, and forcible speech, of the honourable Mover of the question, with much sympathy and conviction; nor had his sentiments been at all shaken by any thing which he had heard on the other side.

As to what had fallen from the honourable Baronet (Sir William Young) it was a mistake to suppose that the slave trade, if abandoned by us, would sink into the hands of France. It ought to be recollected, with what approbation the motion for abolishing the trade, made by the late Mr. Mirabeau, had been received, although the situation of the French Colonies might not have made it prudent to carry the measure into immediate execution. It was not to be doubted, that, if the Parliament of this country should begin, so wise and enlightened a body as the National Assembly would quickly follow their example. The cause of justice and humanity, in both these nations, now cemented by freedom, could not long miscarry. But even though the trade should not be relinquished by others, if justice required its abolition, how could we hesitate as to our own part?

Some gentlemen had said, that the trade was conducted on principles of humanity. Truly it was a new species of humanity!

humanity! We rescued them, from what we were pleased to term their wretched situation at home, and then we took credit for our humanity, because, after killing one half of them in the seasoning, we substitute, as we contend, a better treatment in the Colonies than that to which they were liable at home!

It had been stated, that the principle of war, among savages, was a general massacre. This was not the fact, as would appear from the accounts of travellers. On the contrary, they even frequently adopted the captives into their own families; and, so far from massacring the women and children, gave them the protection which the weakness of sex or age demanded. There could be no doubt that the practice of kidnapping prevailed; and, as to the convictions for adultery and witchcraft, which were part of the alledged cause of slavery, every man being allowed six wives, there could be no great inducement to the crime of adultery. As to witchcraft, he observed, that this had been made a crime, in the reign of James the First, in this country, for the purpose of informations; and how much more likely was this to be the case in Africa, under the encouragement, to such convictions, afforded by the slave trade? If the slave trade was sanctioned, as had been said, by twenty six acts of Parliament, he did not doubt but that fifty six acts might be found, by which Parliament had given its sanction to witchcraft.

It had been said, that the pulpit had been used as an instrument of attack on the slave trade. He was happy to learn that it had been so well employed; but he rather doubted of this fact, as he believed that some of the clergy had obtained preferment, for inculcating the doctrine, that the negroes were predestinated to slavery. Yet he could not doubt, when the bill went to the Lords, that the Bishops would rise up, with that brave and virtuous indignation which became them, to abolish a traffic so contrary to all the principles of humanity, justice and religion.

Mr. Courtenay concluded his speech, by entreating every gentleman to recollect, that, on his vote, that night, depended the happiness of millions, and that it was now in his power to promote a measure, of which the benefits would be felt, over one whole quarter of the globe; that the seeds of civilization might, by the proposed bill, be sown all over Africa; and the first principles of humanity be established in regions where they had hitherto not been suffered to prevail.

Lord Carysfort.

Lord *Carysfort* declared that if he had entertained any doubts on the present question, they would have been removed entirely by the very able arguments used at the introduction of it; though, if possible, he was convinced still more by the

the manner in which it had been opposed; no one argument, of solid weight, having, in his opinion, been adduced against it. He spoke of the inadequacy of the colonial laws for the protection of the slaves, and the severity of their punishment. They were ordered to receive thirty nine lashes, from a cart whip, for the ordinary offences: but how dreadfully severe and disproportionate was this punishment? They were deprived of the right of self defence against any white man; and the system, in the West Indies, was totally repugnant to the principles of our constitution.

The measure had policy on its side; for the true interest of every nation consisted in adhering to justice: and, though other countries should retain the trade, yet, founded, as it was, in false policy and complete injustice, there could be no cause to regret our relinquishing it to other hands.

Colonel Phipps.

Colonel *Phipps* rose, and observed, that it had been asserted that this was a question in which the rights of humanity, and the laws of nature were concerned. He could not agree to consider it in that light; nor did he think that those persons who had formed their opinions on the same ground with himself, were at all deserving of the harsh expressions used the preceding evening. Sure he was, that he was not less sensible to feelings for the rest of mankind, than any other honourable gentleman.

Colonel Phipps then described the nature of the Governments of Africa, from whence the negroes, who were the objects of the slave trade, were originally procured. The African Governments, he said, were not like those of Europe: they were neither limited monarchies, aristocracies, nor democracies. They were founded in absolute despotism, and every subject was an actual slave. The great men of the country were slaves to the Governor, their dependants were slaves to those great men, and so on, downwards. All their customs, in like manner, were different from those of other countries. The prisoners of war too were subject to slavery, and such being the case, he saw no more cruelty in disposing of them to our merchants, than to those of any other nation. The life of any subject of another Prince was forfeitable, if he were taken captive in war. Criminals also, in cases of adultery and witchcraft, were subject to slavery in Africa.

He observed, that it had been said, in debate, that there were no laws in the West Indies for the protection of the slaves. He begged leave to deny the fact. There were several laws in being in the Colonies, though he was ready to admit that farther regulations were necessary, and he was ready to go, in this respect, as far as ever humanity might require. He had passed ten months in Jamaica, where, he declared,

declared, he never had seen any such acts of cruelty as were now talked of. Such severities as he had seen, had not been exercised by planters, or masters, or overseers, or any other whites; but all the cruelties which he had observed, were committed by the blacks. The dreadful stories, read and recited to the Committee, no more ought to fix a general stigma on the planters, than the story of Mrs. Brownrigg, which had been mentioned in the course of the debate, ought to stamp this polished metropolis with the general brand of murder. There was once a haberdasher's wife (Mrs. Nairne) who locked up her apprentice girl, and starved her to death; but did ever any body think of abolishing haberdashery on this account? and he really thought this a parallel case. He was persuaded that the negroes in the West Indies were, in general, chearful and happy. They were fond of ornaments; and he appealed to the observation of every gentleman, whether it was the characteristic of miserable persons to shew a fondness for finery? On the contrary, he asked, if it did not imply a chearful, contented mind, when people were desirous of decorating the body.

If, as he trusted would be the case, the honourable gentleman should lose his motion, he was sure his humanity need not be at an end; for it would induce him to employ himself in devising the means of providing, as comfortably as possible, for the accommodation of the negroes, by some provident regulations.

Mr. Pitt. Mr. Chancellor *Pitt* declared, that from the first hour of his having had the honour to sit in Parliament, down to the present, among all the questions, whether political or personal, in which it had been his fortune to take a share, there never had been one in which his heart was so deeply interested as the present; both on account of the serious principles which it involved, and the important consequences connected with it. He observed, that however forcibly he might appeal to the natural and unerring feelings of every man upon this subject, and however strong an argument he might, therefore, draw, even from this consideration, yet this was not the ground on which he was about to rest the determination of the present question.

The present was not a mere question of feeling; it was not for the sake of exercising humanity, as had been often falsely imagined, that the abolition of the trade in slaves was pressed upon the Committee; but it was quite another principle, which ought, in his own opinion, to determine their minds. The main argument insisted on was, that the slave trade was founded in injustice; "and it is therefore," said Mr. Pitt, "such a trade, as it is impossible for me to support, unless gentlemen will, in the first place, prove to

"me,

"me, that there are no laws of morality binding upon nations, and that it is no duty of a Legislature to restrain its subjects from invading the happiness of other countries, and from violating the fundamental principles of justice."

He observed, that many gentlemen, however, who opposed the motion, had brought forward, on the present occasion, a plea of impracticability. Several of them had even expressed a desire to see the slave trade abolished, if it were not for some necessity for continuing it, which they conceived to exist; nay, almost every one, he believed, and in particular an honourable Baronet (Sir William Young) and another honourable gentleman (Mr. Stanley, agent for the islands) appeared to wish, that the farther importation of slaves might cease, provided it could be made out that the population of the West Indies could be, by any means, maintained without it.

Mr. Pitt proposed, therefore, with the permission of the House, to apply himself particularly to this subject; for as this appeared to operate, in the minds of so many gentlemen, as the chief objection, he trusted, that, by showing this argument to be groundless, and the whole idea of impracticability, as it was now urged, to be entirely a misconception, he should be able thus to clear away every obstacle whatever; so that, having no ground, either of justice or necessity, to stand upon, there could be no excuse or pretence left to the Committee, for resisting the present motion.

He might reasonably hope, however, that gentlemen, even upon their own grounds, would not reckon any disadvantage to the plantations, which was merely small and temporary, to be a sufficient reason to warrant the continuance of the slave trade. It was surely not any slight degree of expediency, any small balance of profit, nor any light shades of probability, on the one side, rather than the other, which would determine any gentleman in the present question. He asked pardon even for the supposition. The House, he was sure, would not decide the question, on such grounds. The slave trade was an evil of such a magnitude, that there must be a common wish in the Committee at once to put an end to it, if there were no very great and serious obstacle. Nothing short of the utmost danger, nay of ruin, to the West Indian islands, ought we to hear urged as a plea for continuing such a trade as this! It was a trade by which multitudes of unoffending nations were deprived of the blessings of civilization, and had their peace and happiness invaded. It ought, therefore, to be no common expediency; it ought either to be some positive necessity, or, at least, something very like necessity, which it became those gentlemen to

plead, who took upon them to defend the continuance of this trade.

He knew that the West Indian gentleman had used very strong language, on this part of the subject, and had expressed an alarm for the islands that was very serious indeed. It would be proper, however, for the Committee to consider this for themselves; for he could not help thinking, there was an over great degree of sensibility, among those gentlemen, on this particular point, and that their alarm, as he hoped to prove, was excited in a way which the occasion by no means justified. He had endeavoured carefully and impartially to examine into this himself, and he would now proceed to lay those reasons before the House, which induced him firmly to believe, not only that no permanent mischief would follow from the abolition, but not even any such temporary hurt or inconvenience as could be stated to be a reason for preventing the House from agreeing to the question before them: but, on the contrary, that the abolition itself would lay the foundation for the more solid improvement of all the various interests of those Colonies.

In proceeding upon this subject, he should apply his observations chiefly to Jamaica, which contained more than half the slaves in the whole West Indies, and, if he should succeed in proving that no material detriment could arise to the population of that island, this would be so considerable a part of the question, and would afford so strong a presumption with respect to the other island, it being a tolerably fair sample of the whole, that the House could not any longer hesitate whether they should or should not put a stop to this most horrid trade.

In the twenty years, ending in 1788, the annual loss of slaves in Jamaica (that is the excess of deaths above the births) appeared to be one in one hundred; in a preceding period the loss was greater, and in a period before that greater still, there having been a continual gradation in the decrease through the whole time, as appeared from an accurate examination of the particular years in each period. It might fairly be concluded, therefore, that (the average loss of the last period being one per cent.) the loss in the former part of it would be somewhat more, and in the latter part somewhat less than one per cent.; insomuch that it might be fairly questioned whether, by this time, the births and deaths in Jamaica might not be stated as very nearly equal. It was to be added, that a peculiar calamity, which swept away 15,000 persons, had occasioned a part of the mortality in the last-mentioned period; the check to the provision trade, occasioned by the independence of America, had also been urged, by the West-India gentlemen, as a cause of more than com-

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mon depopulation in the same time: whether this had really operated to so great an extent as had been stated he could not exactly say, but he was clear that this also was an evil which might not be expected to return, as a very considerable culture of provisions in the islands had now happily taken place. It was plain, then, even on these grounds only, nay, even if the apparent loss had been, as some statements made it, more than one per cent, the probable loss now to be expected must be very inconsiderable indeed.

There was, however, one circumstance to be added, which the West India gentlemen, in stating this matter, had entirely overlooked, and which was so material as clearly to reduce the probable diminution in the population of Jamaica down to nothing, supposing even that all the observations he had just been making were entirely to fail him. The circumstance he meant was this: in all the calculations he had referred to or the comparative number of births and deaths, all the negroes in the island were included, those newly-imported negroes, who died in consequence of the seasoning, made a part, and swelled, therefore, very materially the number of the deaths; but as these extraordinary deaths would cease as soon as the importation ceased, there ought to be a deduction of them made from his present calculation.

Now this number would make up of itself nearly the whole of that one per cent. which had been stated, laying aside all the other considerations. He particularly pressed gentlemen's attention to this circumstance; for it was undoubtedly the fact, that the complaint of being likely to want hands in Jamaica arose from the mistake of including the present unnatural deaths caused by the seasoning among the natural and perpetual causes of mortality. These deaths, being erroneously taken into the planters' calculations, gave occasion to the idea that the number could not be kept up. These deaths, which were caused merely by the slave trade, furnished the very ground, therefore, on which the continuance of the slave trade was thought necessary, and became the very reason for bringing over more of those wretched negroes, and for thus adding to this very source of mortality.

The evidence before the House as to this point was perfectly clear; for it would be found in that dreadful catalogue of deaths, in consequence of the seasoning, and the middle passage, which the House had been condemned to look into, that one half die. An annual mortality of 2,000 in Jamaica might be charged, therefore, to the importation, which, compared with the whole numbers on the island, hardly fell short of the whole one per cent decrease.

Joining this with all the other considerations, Mr. Pitt then asked, Can the decrease of slaves in Jamaica be such,

—Can the colonies be so destitute of means—so incapable of those improvements which a more prudent management, and a spirit of benevolence must naturally furnish—Can they, at a time when they tell you of new regulations, to benefit the slaves, which, they say, are establishing every day—Can they, under all these circumstances, be permitted to plead that total impossibility of keeping up their number, which they have rested on, as being indeed the only possible pretext for allowing fresh importations from Africa? He appealed, therefore, to the sober judgement of every gentleman in the House, Whether an interest on the part of Jamaica, such as he had described, could form an objection, or justify a hesitation, in agreeing to the present motion.

It might be observed also, that, when the importation should stop, that disproportion between the sexes, which was one of the obstacles to population, would gradually diminish, and indeed our whole colonies in the West Indies would revert to that natural order and course of things by which population and civilization are promoted. Through the want of this natural order, a thousand grievances were created, which it was impossible to define, and which it was in vain to think that, under such circumstances, we could cure. He was convinced that the abolition itself would work this effect. The West Indians would then feel a near and urgent interest, to enter into a thousand little details which it was impossible for him to describe, but which have the greatest influence on population. A foundation would thus be laid for the general welfare of the islands, a new system would rise up the reverse of the old, and eventually both their general wealth and general happiness would increase.

This, however, it should be remembered, was proving far more than he was bound to, with a view to the present question, for gentlemen must feel, that if even he could prove the abolition not ruinous, it would be enough. He could give up, therefore, three arguments out of four, through the whole that he had said, and yet have enough left to establish his position. As to the creoles, it was a plain point that they would increase; they differed in this intirely from the imported slaves, who were both a burthen and a curse to themselves and others. The measure now proposed would operate like a charm, and besides stopping all the miseries we give occasion to in Africa and the middle passage, would produce even more benefits in the West Indies than legal regulations could do.

One thing he must touch upon, which was rather a delicate point; the question of emancipating the slaves in the West Indies. A rash emancipation he was clear would be wrong

wrong and mischievous: In that unhappy situation to which our baneful conduct had brought both ourselves and them, it would be no justice on either side to give them liberty. They were as yet incapable of it, but gradually their situation might be mended. They might be relieved from every thing harsh and severe, raised from their present degradation, and put under the powerful protection of law: till then to talk of emancipation was insanity. But it was the system of fresh importations that interfered with these principles of improvement, and it was the abolition of the slave trade which would furnish the means of effectually regulating the situation of the slaves in the islands. This was not a warm idea taken up without due reasoning and reflection, but had its foundation in human nature: Wherever there was the incentive of honour, credit and fair profit, there industry would be; and when these labourers should have the natural springs of human action afforded them, they would then rise to the natural level of human industry; but when degraded into mere machines, they would not even afford you all the benefit of machines, but became more unprofitable, and every way more disadvantageous, than any other instrument of labour whatsoever.

Mr. Chancellor Pitt then proceeded to some short observations on each of the other islands, as there were some circumstances of difference between them. In Barbadoes there had been no decrease to alarm us; on the contrary, the slaves in that island seemed rather to increase. In St. Kitt's, the decrease for 14 years had been but 3-4ths per cent. and here many of the same observations would apply, as he had been using in the case of Jamaica. In Antigua, a considerable number had died by a particular calamity; but for this, the decrease would have been really trifling. In Nevis and Montserrat there was this strong and most favourable circumstance, that there was little or no disproportion of sexes, and it might well be hoped the numbers would be kept up. In Dominica, some controversy had arisen about the calculation; but he had to observe, that Governor Orde mentions that there is an increase of births above the deaths. From Grenada and St. Vincent's, no good accounts had been transmitted, in answer to the queries sent them; but they were probably not in circumstances less favourable than the other islands, though perhaps it might be found, that persons who had proceeded on recent grants might be entitled to our consideration; but whether their case was separated from the others or not, it never could be argued that they ought to stand in the way of the great object before the House.

On a full review of the probable state of the negro population in our West-India islands, was there then, any serious

 ground

ground of alarm from the measure of abolishing the slave trade, of abolishing it entirely and immediately? and was there any of that impracticability to be pleaded, on which alone so many gentlemen had rested all their objections? Must we not blush at pretending that it would distress our consciences to abolish this most horrid trade, on account of the alarming consequences to the population of the islands?

Intolerable were the mischiefs of this Trade, both in its origin, and through every stage of its progress. The honourable gentleman near him (Colonel Phipps) had been describing Africa as a continent half cultivated. In such a country, in order to promote this trade, you must apply yourselves to the avarice and to the worst passions of the princes. To say that slaves can be furnished us by fair and commercial means, were absurd and ridiculous. The trade sometimes ceased, as during the last war; sometimes the demand increased, sometimes it was declining, according to our circumstances. But how was it possible that, to a demand so extremely fluctuating, the supply of slaves should always exactly accommodate itself? Alas! alas! (said Mr. Pitt) we make human beings the subjects of commerce; we learn to talk of them as such; yet we will not allow to them the common principle of commerce, that the supply must accommodate itself to the consumption. It was not from wars then that the slaves were chiefly furnished. They were obtained in proportion as they were wanted. If a demand for slaves arose, a supply was forced in one way or other, and it was in vain, overpowered as we now were with positive evidence, as well as the reasonableness of the supposition, to deny, that, by the slave trade, we were the causes of those dreadful enormities on that unhappy continent. It was plain, if we considered the number annually carried off, that no regular or ordinary means could furnish so many captives.

It was said by an honourable Baronet (Sir W. Young) that if we did not take them, they would be destroyed; but this he did not believe, because he did not find, from all his reading, that the destruction of their captives was the common practice, as had been stated, of all uncivilized nations. We assumed, therefore, what was false, the very selling them implied this; for if they would sell their captives for profit, why should they not employ them in any labour that would yield a profit, for the same reason? Nay, many of them, while there was no demand from the slave merchants, were often actually so employed. The wealth of the richer people in Africa was reckoned to consist in slaves, and how could we suppose they would be so absurd, then, as to destroy them? Besides, the trade had been suspended during the

the war, and it was never said, or thought, that any such consequence had then followed. But even if, instead of the present pitiless transportations, some few lives should be actually destroyed; if at the first they, with the guilt on their heads, should put some few prisoners to death, it was clear, in his opinion, that we ought not to make this any reason for persisting in the trade. The duration of this evil that was dreaded would be short; by degrees the interest of humanity would work its own way, if our perverted system did not obstruct its course.

It had been argued, by the honourable Baronet, that the selling men for witchcraft was no consequence of the slave trade, for that witchcraft commonly implied poison, and was a real punishable crime. But it was recollected, that in the case of witchcraft or poison, it was not the individual only, but man, woman and child, every connection and relation of the guilty person that were sold for slaves, which principle of injustice and cruelty was promoted most undoubtedly by the slave trade. The truth was, that we stopt the natural progress of civilization; we cut off Africa from the opportunity of improvement, we kept down that continent in a state of darkness, bondage, ignorance, and blood. Was not this an awful consideration for this country? Look on the Map of Africa; how little useful intercourse had been established in that vast continent? While other countries were assisting and enlightening each other, that alone had none of these benefits? We had obtained as yet only just so much knowledge of its productions, as to shew that there is a capacity for trade, which we check. Indeed, if the mischiefs in Africa were out of the question, the circumstances of the Middle Passage alone would, in his mind, be reason enough for the abolition. Such a scene as that of the slave ships, passing over with their wretched cargoes to the West Indies, if it could be spread before the eyes of the House, would be sufficient of itself to make them vote at once for this question. And when it can be added also, that the interest even of the West Indies themselves rests on the abolition of this trade (Mr. Pitt said) he could not conceive an act of more indispensible duty than that which was now proposed to the House. If even the consequences had appeared to him widely different from what they did appear, still he should insist that the House ought to give the same vote. What an aggravation then of guilt would it be, if the policy, instead of being against the measure, was also for it? A more imperious duty than that of abolishing the slave trade, he believed was never exercised in the Parliament of Great Britain.

Sir

Sir Arch. Edmonſtone. Sir *Archibald Edmonſtone* deſired to know, before the queſtion was put, what was the exact purport of it, and whether it went ſo far as to pledge thoſe who voted for it, to a total and immediate abolition of the ſlave trade.

Mr. Ald. Watſon. Mr. Alderman *Watſon* proceeded into an agument to ſhow that this trade was not liable to the objections urged againſt it. He defended it as highly beneficial to the country, being one material branch of its commerce. He ſaid that he could not think of the African trade without connecting, in his mind, the Weſt India trade with it; for that, in truth, the one hung upon the other. Nor was that all. a third important branch of our commerce entered alſo. into the ſame manner, into his conſideration, which was the Newfoundland fiſhery; and he went into a detail which he concluded by obſerving, that this moſt valuable fiſhery could not anſwer to this country, if it were not for the quantity of inferior fiſh bought up for the negroes in the Weſt Indies, and which was quite unfit for any other market. He ſpoke of the mutual dependence, that each of theſe three trades had on the other, and of the great importance, in a commercial point of view, of not interfering with the one, leſt we ſhould endanger the exiſtence of the others.

He referred alſo to what had paſſed in the National Aſſembly, on the ſubject of the ſlave trade and read part of a ſpeech of M. Turgot, recommending a gradual abolition of it, and not one that was, by any means, immediate.

The Alderman recommended it to the Houſe, to follow the ſame principles, and to ſoften the rigours of ſlavery, by wholeſome regulations, but not to adopt ſo raſh a conduct as to vote the immediate abolition of the trade in ſlaves.

Mr Fox. Mr. *Fox* obſerved, that ſome expreſſions, which he had uſed on the preceding day, had been complained of, as too harſh and ſevere. He had now four and twenty hours to reflect on his words, he had revolved them over and over again in his mind, but he could not prevail on himſelf to retract them; becauſe, the more he conſidered and knew of the ſubject in diſcuſſion, the more did he believe, that if, after reading all the evidence on the table, and attending to the debate, any gentleman could continue to oppoſe the abolition of the ſlave trade, and could thus avow himſelf, after a full knowledge of the ſubject, an abettor of this ſhameful traffic in human fleſh, it could only be either from ſome hardneſs of heart, or ſome ſuch difficulty of underſtanding as he really knew not how to account for.

Some gentlemen had conſidered this queſtion, as a queſtion of political freedom; whereas it was no ſuch thing. No man would ſuſpect him of being an enemy to political freedom; his ſentiments were too well known to leave him ſubject

ject to such a suspicion. But, this was a question not of political, but of personal freedom. Political freedom was undoubtedly as great a blessing as any people under Heaven (considered collectively as a people) could pant after, or seek to possess; but, political freedom, when it came to be compared with personal freedom, sunk to nothing, and became no blessing at all in comparison. To confound these two, served, therefore, only to render all argument on either, perplexing and unintelligible. It was personal freedom that was now the point in question. Personal freedom must be the first object of every human being, and it was a right, of which he who deprives a fellow-creature, is absolutely criminal in so depriving him; and which he who withholds, when it is in his power to restore, is no less criminal in withholding. Mr. Fox therefore declared, that, though he professed great regard for an honourable friend who had complained of his words, and for a noble Lord who sat near him (Lord John Russel) yet unless they endeavoured, zealously and sincerely, to put an end to so horrid a violation of personal freedom, as the African slave-trade most undoubtedly was, however it might hurt those for whom he felt an affection and respect, yet he could not so far compliment them as to retract his words, or to neglect speaking in the manner which his duty required, upon a subject so serious as the present.

The House being now apprized of the nature of this trade, having received evidence, having had the facts undeniably established, knowing, in short, what the slave trade was, he declared, that if they did not, by the vote of that night, mark to all mankind their abhorrence of a practice so enormous, so savage, so repugnant to all laws, human and divine, it would be more scandalous, and more defaming, in the eyes of the country, and of the world, than any vote which any House of Commons had ever given. He desired them seriously to reflect, before they gave their votes, what they were about to do that evening. If they voted that the slave trade should not be abolished, they would, by their vote that night, give a parliamentary sanction to rapine, robbery, and murder; for a system of rapine, robbery, and murder, the slave trade had now most clearly been proved to be.

Every gentleman who had perused the examination of the witnesses, upon the table, must acknowledge, that he had not used one word too strong. He had read the Privy Council's Report some time ago; but owned that it was but lately that he had turned his attention to the evidence since taken before the Select Committee; and he regretted that he had not done it sooner; for the facts he there found were such as

proved the absolute necessity, on every consideration of morality and justice, of putting an end to a practice, so pregnant with circumstances of terror and alarm to this country.

That the pretence of danger to our West-India islands, the abolition, was totally unfounded, the speech of the honourable gentleman who introduced the motion had fully convinced him; but, if it had not, the speech of the right honourable the Chancellor of the Exchequer, by which he had, in so masterly a manner, established that point, must have given him complete satisfaction. If there was any thing for him at all to find fault with, in the right honourable gentleman's speech, he should say, that it could only be his dwelling so much on that part of the subject, and bestowing so much eloquence and ability on it; so as to give an air of more importance to the pretexts of the other side, than they at all deserved; thus drawing the Committee's attention from the justice of the question, which was a thing of infinitely greater magnitude

It had been shown, on a comparison of the deaths and births in Jamaica, that there was not now any decrease; but if there had been, it would have made no difference in his conduct on the subject: for had the mortality been ever so great, he should have ascribed it entirely to the system of importing negroes, instead of encouraging the breed. If any man were to tell him of a country in which, though horses were used, yet very few were bred, this would not induce him to suppose, there was any unfriendliness, in the climate of that country, to the natural propagation of horses, but merely to its being found or thought cheaper by the inhabitants, to buy horses than to breed them. It was not his fault, Mr. Fox said, that he was reduced to the degrading necessity of speaking of human beings, as if they were horses.

But what he urged in the case of horses, was evidently the case with slaves in the West Indies. The climate was declared to be remarkably congenial to them, and to be just like their own. This had been actually pleaded (with a different view indeed) in favour of the slave trade—then why should they not breed? It was merely because the West-India planters thought it more convenient, more agreeable to them, or more cheap, to buy them fit for work than to breed them—it was because the planters did not chuse to treat them with that attention and humanity which would ensure their breeding. What then was the purpose for which this accursed and horrid trade in human creatures was desired to be kept up? The purpose was this—in order to give the planters the opportunity of destroying the negroes on their estates, as fast as they pleased. The plea on which the slave

trade to Africa was to be kept up (if the mortality in the islands was the plea) could only be in order to indulge the planters in the liberty of misusing their slaves, so as to check propagation; for it was from ill usage only that, in a climate so natural to them and so favourable, their numbers could ever diminish. Mr. Fox stated, therefore, that if the mortality in the West Indies, were ten times greater than it was, this would only be a ten times stronger reason for forbidding the importation of slaves. It would only argue ten times more ill usage than now prevailed, and Parliament would be so much the more loudly called upon to put an end to a system so destructive of human life.

The very ground, therefore, on which the planters rested the necessity of fresh importations, namely, the destruction of lives in the West Indies, was itself the strongest reason that could possibly be given, for the abolition of the trade, and, the more strongly they chose to urge, the more strongly should he argue from it the necessity of the present measure, and the serious need there was of a parliamentary interference. He observed also, that, if any thing could aggravate the national guilt of the slave trade on the coast of Africa, it was this same dreadful argument of its being necessary in order to replace the lives destroyed by our inhuman system of treating them in the West Indies.

Mr. Fox next adverted to some instances of cruelty which had been mentioned, and which appeared in actual evidence. He thought that an honourable gentleman (Mr. Smith) who had spoken with much sound argument and manly sense, had done well to introduce those stories, which had made such an impression on the House, that they could scarcely bear to be present when such horrid tales was even related. But had the truth of any one of them been controverted? An honourable gentleman (Mr. Cawthorne) by way of discrediting the account given of the African captain's cruelty to the child ten months old, could only say that it was too bad too be true, and that it was impossible: and, in order to discredit the witness, had bid you look to his cross examination. The honourable gentleman, however, had declined turning to the cross examination, the whole of which (Mr. Fox desired the House to observe) amounted to this: that when pressed, in the closest and strictest manner, by some able persons of that House, the only inconsistency they could fix upon him, was a doubt whether the fact had happened on the same day, of the same month, of the year 1764, or the year 1765.

He observed, that absolute power was not denied to be exercised by the slave captains, and, if this were granted, such was human nature, that he was persuaded all the cruelties

charged upon them would naturally follow. He also remarked, that nothing less than complete arbitrary power, was exercised over the slaves in the West Indies, and he spoke of the abuse of it, which there, as well as every where else, must be the consequence. Never did he hear of any charges exhibited against any set of men, before any Court or Legislature, of so black and horrible a nature, as those contained in the evidence now on the table; and it became those who laboured under them, to come forward to vindicate their characters to their country.

Many, in short, were the instances of cruelty to which this trade gave rise; it was a scene of such iniquity and oppression, in every one of its stages, that if the House, with all their present knowledge of the circumstances, should dare to vote for its continuance, they must have nerves of which he had no conception. We might find instances indeed in ancient history, of men's violating all the feelings of Nature in some cases of an extraordinary kind. Fathers have sacrificed their sons and daughters, or husbands their wives; but if we are to do violence to the feelings of humanity, and, in this respect, to imitate their characters, we ought not only to have nerves as strong as the two Brutuses, but we ought also to take care that we have a cause as good, and that we have motives for such a dereliction of our feelings, as patriotic and public spirited as they had.

But what was the true motive?—this trade so contended for, this wholesale sacrifice of a whole order and race of our fellow creatures, which, in violence to all our feelings, we are asked to vote the continuance of? It was a traffic for human beings, who were to be carried away by force, from their native country, in order to be subjected to the mere will and caprice, the tyranny and oppression of other human beings, for their whole natural lives, they and their posterity for ever!!

Mr. Fox then entered into some account of the trade, tracing it from its first scenes in Africa, through the middle passage, to its conclusion. It was impossible, he said, to consider it in the light of any natural or ordinary commerce. We might, if we pleased, give it the name of a trade belonging to it. It was even on the first view obvious, that there could not be a multitude of human beings, at all times, ready to be furnished, in the way of fair articles of commerce, just as our commerce, just as our occasion might require. The argument urged by the right honourable the Chancellor of the Exchequer upon this head, was perfectly unanswerable. Our demand was fluctuating, it entirely ceased at some times, nay, for whole years together, as was the case during the last war; sometimes again a demand for

ſlaves was great and preſſing. How then was it poſſible, on every ſudden call, to furniſh a ſufficient return in ſlaves, without reſorting to thoſe means of obtaining them which had been mentioned, and the very mention of which was ſufficient to ſtrike us with horror? He obſerved there had been three means ſtated, of procuring ſlaves; namely, thoſe of war, trade, and crimes ſuppoſed to be committed, each of which he would now a little examine the juſtice of.

Captives in war, it was urged, were in uncivilized countries commonly doomed to ſlavery. This, however, was falſe in point of fact; and it was ſo far from being the caſe in Europe, that it was become a cuſtom (founded on the wiſeſt policy) to pay the captives a peculiar reſpect and civility. Ought we not to inculcate the ſame principles in Africa? So far from it, we encouraged wars for the ſake of taking, not the man's goods and poſſeſſions, but the man himſelf, and it was not the war that was the cauſe of the ſlave trade, but the ſlave trade that was the cauſe of the war. The practice was, as appeared in evidence, for the ſlave merchants to carry preſents, conſiſting commonly of ſpirits, to the African kings, and when intoxicated with them, then it was that the royal prerogative of making war was exerciſed.—An inſtance was mentioned in evidence, of an African Prince, who, when ſober, had reſiſted the wiſhes of the ſlave merchants; but, in the moment of inebriety, gave the word for war, attacked the next village, inhabited by his own ſubjects, carried them all off, and ſold them to the ſlave merchants.

After dwelling on the enormity of the ſyſtem of making war in Africa, which was one ſource of obtaining ſlaves, he came next to the ſecond way, of trade. This he ſaid was proved, by the moſt undeniable evidence, to be little more or leſs than a moſt ſhameful and unreſtrained ſyſtem of kidnapping. He referred the Houſe to various inſtances of this. He mentioned one caſe, when the agent of the merchants affected to act as mediator between two contending parties, who, if he might uſe a pun on ſo melancholy an occaſion, certainly brought the two parties together, for he brought them tied back to back to one another, and hurried them both on board a ſlave ſhip.—There was another inſtance of a conſiderable black ſlave merchant, who, after having ſold a girl whom he had kidnapped, was preſently after kidnapped and carried away himſelf. and when he aſked the African captain, in his ſtrange language, "What, take me grand trader too?" The only anſwer was, "Yes, we will take you, or her, or "any one elſe, provided any body will ſell you to us." And accordingly both the trader and the child were carried off together, to the Weſt Indies.

Mr.

Mr. Fox then adverted to the third mode of obtaining slaves; by crimes committed, or supposed to be committed. This had been stated in such a way, that one would think the slave trade was kept up by us, on a sort of friendly principle, and as a necessary part of the Police of that country. It was remarkable, that two of the chief crimes which produced convictions, were adultery and withcraft. Was adultery then a crime which we need go to Africa to punish? Was this the way we took to establish the purity of our national character? Where marriage was solemnly instituted, as a religious rite, as it was in this civilised country, he should be sorry to speak lightly of the crime of adultery. But was Africa the place where Englishmen, above all men, ought to go in search of adulterers? Did it become us to use our Saviour's expression, "To cast the first stone?" It was a most extraordinary pilgrimage, for a most extraordinary purpose! And yet this was one of the chief crimes by which, in that civilized country, we justified our right of carrying off its inhabitants into perpetual slavery, in the West Indies. The next crime to this was the supposed one of witchcraft. We, ourselves, more enlightened than they, were aware that the crime does not really exist; but, instead of humanely trying to dispel their blindness and ignorance, we rather chose, for the sake of the slave trade, to lend ourselves to their superstition, and become the instruments of their blind vengeance. We stand by, (said Mr. Fox) we hear the trial, we know the crime to be impossible, and that the accused must be innocent; but we wait, in patient silence, for his condemnation, and then we lend our friendly aid to the Police of the country, by buying the wretched convict, with all his family, whom, for the benefit of Africa, we carry away also into perpetual slavery.

Having spoken of the three ways of obtaining slaves, Mr. Fox proceeded to the manner of their transportation. He knew not how to give the House a more correct idea of all the horrors of their situation, when on board, than by referring them to the section of a slave ship, where the eye might see, what the tongue must fall short in describing. Here he enlarged on the effects of despotic power, in the case of captains of slave ships, and on the strange instances of cruelty, proved in evidence, to have been perpetrated.

They had been thought, by some persons, to be so extravagant, that the term of insanity had been used and, indeed, they were unaccountable, except on the principle that despotic power, by long use, is apt to produce acts of cruelty, so enormous, that they have been known frequently to assume the appearance of insanity. Among European sovereigns, indeed, the mild influence of religion, philosophy, and the

modern

modern limitations of power, had rendered acts of despotism and cruelty, far from common; but, among the Emperors of Rome, how many were there who, by the unrestrained use of their power, became so cruel as to be suspected of occasional insanity, just as many masters of slave ships had been. Who was there that ever read, in the Roman history, the facts recorded of Nero, without suspecting he was mad? Who would not be apt to impute insanity to that monster Caligula? Who would not think the same of Domitian? Who would hesitate to pronounce Caracalla insane? Who could otherwise account for the vices of Commodus? Or who could not doubt that Heliogabalus was out of his senses? Here were six Roman emperors, not connected in blood, or by descent, who each of them possessing uncontrolled power, had been so distinguished for cruelty, that nothing short of insanity could well be imputed to them. He then asked, whether the insanity of the masters of slave ships might not be suspected to be something of the same species, and might not be accounted for upon much the same principles?

Mr. Fox then proceeded to the situation of the slaves, when brought to the West-Indies. It had been said indeed, that they were taken from a worse state, to a better. The House, he knew, could not wish to hear recitals of cruelty, nor did he like to dwell upon them. It was their duty however, in the present case, to open their ears to them, and the House (exclaimed Mr. Fox) shall hear them. An honourable gentleman before him (Mr. Smith) had quoted some instances, and he would now quote two more. The first was in a French island; but was declared by witnesses of unimpeachable credit. A slave, under hard usage, urged by the first impulse of Nature, had run away, and attempted to get his liberty. To prevent his repeating the offence, the planter sent for his surgeon, and said to him, "Cut off this man's leg." The surgeon, who had more humanity than his master, refused. "You refuse (said the planter) then what you decline, as an act of friendship to me, I will compel you to do, as an act of duty." Upon this, the planter broke the poor man's leg. "There now," said he to the surgeon, "you must cut off his leg, or the man will die." We might console ourselves, perhaps, that this was in a French island, but in the English there was no great difference; and the next instance he should state was in an island of our own. A gentleman (Mr. Ross, as appeared in evidence) while he was walking along, heard the shrieks of a female, issuing from a barn or outhouse; and as they were much too violent to be excited by any ordinary punishment, he was prompted to go near, and see what could be the matter. On looking in, he perceived a young female, tied up to a beam by her wrists,

wrists, entirely naked, and in the act of involutary writhing and swinging, while the author of her torture was standing below her, with a lighted torch in his hand, which he applied to all the parts of her body, as it approached him. What crime this miserable wretch had perpetrated, he knew not; but that was of little consequence, as the human mind could not conceive a crime, in any degree, warranting such a punishment.

By the manner in which the House received this story, Mr. Fox observed to them, that he saw the tale was so horrid, that they could not listen to it without shrinking. Will the House then, said he, sanction enormities, the bare recital of which is sufficient to make them shudder? Let them remember that humanity consists not in a squeamish ear. It consists not in starting or shrinking at such tales as these, but in a disposition of heart to relieve misery, and to prevent the repetition of cruelty. Humanity appertained rather to the mind, than to the nerves; and it would prompt men to use real and disinterested endeavours, to give happiness to their fellow creatures. Here in England such was our indignation at every act of injustice, that a highwayman, a pickpocket, or even a pilferer, was, by law, condemned to death; so jealous were we, in cases where our own property was concerned: but, we permitted to go unpunished, crimes committed in consequence of the slave trade, in comparison with which, the criminal practice of England were innocence itself. What was the consequence of this? We unsettled the principles of justice, in the minds of men, and we deprived the Legislature of that strong influence which it ought to derive from its known integrity, and from its uniform consistency of conduct. It was as important, therefore, in sound policy, as it was in point of justice and honour, to abolish a trade which discredited our morals and police at home, as well as our national character abroad. For what could any think, either of our justice or consistency, who should see a man that had picked a pocket going to be hanged for the crime, while all the enormities which had been perpetrated in Africa, and all the other cruelties now in evidence before the House, were known not only to pass off with impunity, but while the continuance of them was permitted by a vote of the British Parliament?

It was said, however, that the Africans were less happy at home than in the islands, and that we were therefore justified in carrying them away; but what right had we to be the judges of this, or to force upon them a new condition? "However unhappy in your opinion (they might say to us) yet we wish for the comforts that surround us, the social relations of life, the liberty of our native, though uncultivated, plains;

plains; and you have no right to change, nay, even to better, our condition." But it was ridiculous to plead that we bettered their condition, when we dragged them from every thing that was dear in life, and reduced them to the most abject state of slavery.

One argument, indeed, had been used by an honourable Alderman, in the way of commercial policy, which, for a subject so grave, was rather too ridiculous. The slave trade, said the honourable Alderman, was necessary, on account of the support it gave to our fisheries, for that the Newfoundland trade depended on the slaves, for the consumption of a vast quantity of refuse fish, for which there would otherwise be no vent. What was this but to say, that the slave trade must be kept up, with all its enormities, in order that there might be persons to eat up the refuse fish which was too bad for any body else to eat!!

It had been said, that England ought not to abolish the trade, unless France, Spain, and Holland would also give it up. But if it was a trade founded in violence and injustice, Great Britain ought to wash her hands of it at any rate; nor was the practice of other countries any thing at all to the question. It was as if a person addicted to felony, but now conscious of his past guilt, should say, "There is a man now "whom I have an opportunity of robbing on the highway; "I am extremely sorry to do it, for I am become fully sen-"sible of the guilt, but I know that if I should not rob him, "there is another highwayman, half a mile farther on the "road, who certainly will, and thus he will get the man's "purse instead of myself." Mere gain was not a motive for a great country to rest on, as a justification of any measure. It was not the first purpose of a well regulated Government: honour was its superior, as much as justice was superior to honour.

With regard to the emancipation of the negroes already in slavery, his own doubts of the efficacy of an act of the British Legislature for this purpose, was a reason for not entering into it. He himself did not think such a measure could be suddenly ventured upon; and though every man had a right to freedom, yet it should be observed, that men inured to slavery all their lives, felt certainly less degraded by it than those who were born to independence. It might be dangerous to give freedom at once to a man used to slavery, on the same ground as, in the case of a man who had never seen daylight, there might be danger of blinding him, if you were to expose him all at once to the glare of the sun.

Mr. Fox condemned the arrogance of the notion, that all the inhabitants of Africa had minds inferior to ourselves.—How did we know that such was the case? Why might there

not be men in Africa, of as fine feelings as ourselves, of as enlarged understandings, and as manly in their minds as any of us? He then mentioned the case of an African Captain, who heard in the night some violent groanings, which had caused a disturbance in his ship. There was among his slaves one person of very considerable consequence, a man once high in military station, with a mind not insensible to the eminence of his rank, who having been taken captive in battle, was sold to the slave ships, and laid promiscuously with the rest. Happening in the night to obtain room to stretch his weary limbs, at rather more ease than usual, he had fallen fast asleep, and he dreamt that he was in his own country, high in honour and in command, caressed by his family and his friends, waited on by his domestics, and surrounded with all his former comforts in life; when, awaking somewhat suddenly, he found himself fastened down in the hold of a slave ship, and was heard to burst into loud groans and lamentations on the miserable contrast of his present state, mixed with the meanest of his subjects, and subjected to the insolence of wretches, a thousand times lower than himself, in every kind of endowment. Mr. Fox appealed to the House, whether this was not as moving a picture of the miserable effects of the slave trade, as any that could be imagined? There was one way, and it was an extremely good one, by which any man might come to a judgement on these points—let him make the case his own. What, said he, should any one of us, who are Members of this House, say, and how should we feel, if conquered and carried away, by a tribe, as savage as our countrymen on the coast of Africa shew themselves to be? How should we brook the same indignities, or bear the same treatment ourselves, which we do not scruple to inflict on them? Having made this appeal to the feelings of the House, Mr. Fox proceeded to observe, that great stress had been laid on the countenance that was given to slavery by the Christian religion. So far was this from being true, that he thought one of the most splendid triumphs of Christianity was, its having caused slavery to be so generally abolished, as soon as ever it appeared in the world. One obvious ground on which it did this, was by teaching us, That in the sight of Heaven, all mankind are equal. The same effect might be expected also from the general principles which it taught. Its powerful influence, appeared to have done more in this respect, than all the ancient systems of philosophy; though even in them, in point of theory, we might trace great liberality and consideration for human rights. Where could be found finer sentiments of liberty, than in the works of Demosthenes and Cicero? Where should we meet with more bold assertions of the rights

of mankind, and the dignity of human nature, than in the historians Tacitus and Thucydides? It was remarkable, however, that these great men kept slaves in their houses, and permitted a whole order of slaves to exist in their country. He knew, indeed, that, what he had been ascribing to Christianity, some imputed to the advances which philosophy had made. Each of the two parties took the merit to itself; the divine gave it to religion, the philosopher to philosophy. He should not dispute with either of them; but as both coveted the praise, why should they not emulate each other, in promoting this improvement in the condition of the human race?

Mr. Fox, having drawn his argument, on the general question, to a conclusion, wished, he said, to give an answer to an honourable Baronet over the way (Sir Archibald Edmondstone) who had asked, what was meant to be done by the honourable Mover, if the present question for leave to bring in a bill should be carried? Mr. Fox said, that he conceived the intention of the honourable Mover, undoubtedly was, to bring in a bill for abolishing the slave trade immediately; but that, the forms of the House made it necessary that the time should be left in blank, and that the blank might be filled up, by naming any period of one, two, three, or four years, as the House might think expedient; so that there was no reason why the honourable Baronet, or any other gentleman, who objected to so immediate an abolition, should not, in this instance, vote with him. Mr. Fox paid some compliments to the honourable gentleman who introduced the motion, saying, that he had fully intended to make a motion, for leave to bring in a bill of the same nature; but that he was extremely happy it had fallen into better hands. He declared, that the whole country, and indeed, the whole civilized world, must rejoice, that such a bill had been moved for, not merely as a matter of humanity, but as an act of mere justice, and nothing else: for he would put humanity wholly out of the case. He asked, could it be called humanity to forbear from committing murder? Exactly upon this ground did the present motion stand, being strictly a question of national justice.

Mr. Fox observed that it could not be supposed, that he had been induced on the present occasion, to lend his assistance by any personal considerations, and he assured the friends to the abolition, that, in whatever situation he might ever be, his warmest efforts should be used in promoting the same cause.

The strangers were ordered to withdraw.

Mr. Stanley.

Mr. *Stanley* said, that he came into the House purposing to vote against the abolition, but that the impression made, both

both on his underſtanding and his feelings, was ſuch as he could not reſiſt; and he was now convinced, that the entire abolition of the ſlave trade was called for equally by ſound policy and juſtice. He thought it right and fair to avow manfully this change in his opinions, in conſequence of what he had heard. The abolition, he was ſure, could not long fail to be carried: the arguments for it were, indeed, irreſiſtible.

Mr. Ryder. The honourable Mr. *Ryder* ſaid, he came to the Houſe, not exactly in the circumſtances of the honourable gentleman who had juſt ſpoken, but very much undecided on the ſubject; that he, however, was ſo ſtrongly convinced by the arguments he had heard, that he was become equally earneſt for the abolition, and would moſt heartily give his vote for it.

Mr. Smith. Mr. *Smith* (Member for Pontefract) ſaid, that he ſhould not trouble the Houſe at ſo late an hour farther than to enter his proteſt in the moſt ſolemn manner he poſſibly could, againſt this trade, which he conſidered as contrary to juſtice, and moſt diſgraceful to the country.

Sir Wm. Young. Sir *William Young* declared, he was not convinced by any thing that had paſſed at all to change his opinion; that he thought his own ſide of the queſtion was the ſide of true humanity; and he was as conſcientiouſly convinced of it, as it was poſſible for any man to be.

Mr. Sumner. Mr. *Sumner* declared himſelf againſt the total, immediate, and unqualified abolition, which he thought would wound at leaſt the prejudices of the Weſt Indians, and might do miſchief; but a gradual abolition he ſhould much wiſh to ſee.

Maj. Scott. Major *Scott* proteſted that he could not poſſibly give a ſilent vote on ſo momentous a queſtion, and particularly after what had been ſaid of thoſe who ſhould diſſent from the motion. He affirmed that there was no Member in the Houſe who could give a more independent and honeſt vote upon the queſtion than himſelf. He had no ſort of concern either in the African or Weſt-India trade, farther than an acquaintance with many very reſpectable Weſt-India merchants, which could not poſſibly bias his judgement. He had read the evidence with the utmoſt care, and had heard all that had been ſaid upon it; but in the preſent alarming ſtate of the finances of this country, he was clearly of opinion that it would be a moſt dangerous experiment, indeed, to riſque any one part of our foreign commerce. As far as regulation could go, he would heartily join, and was confident that the inquiries of the honourable gentleman (Mr. Wilberforce) had produced many very beneficial effects; but a total and immediate abolition of the ſlave trade ſtruck him as a very dangerous experiment. Let the trade be regulated, and as population increaſed

creased in the West Indies, the African trade would abolish itself.

Mr. Burke · Mr. *Burke* observed, that he had, for a long time, had his mind drawn to the slave trade; that he had even prepared some measures for its regulations, conceiving the immediate abolition of it (though highly desirable) to be then hardly a thing which could be hoped for: but when he found the honourable mover was bringing forward the present question, which he approved much more than his own, he had burnt his paper, and made an offering of them, in honour of the proposition of the honourable gentleman, much in the same manner as we read that the curious books were offered up and burnt at the approach of the Gospel. He rejoiced at the submission to reason and argument which gentlemen, who came in with minds somewhat prejudiced, had avowed on that day. They thereby told their constituents, as they ought to tell them, that it was impossible for them, if sent to hear discussion in the House of Commons, to avoid surrendering up their hearts and judgements to the cause in question, however they might have been taught beforehand to come prejudiced against it.

Mr. Drake · Mr. *Drake* came into the House, he said, with an unimpassioned vacancy of head and heart, but with all his might he would oppose the question We had, by want of temperance and of prudent conduct, lost America. The House should beware of being carried away by the meteors they had been dazzled with. The leaders, it was true, were for the abolition; but the minor orators, the dwarfs, the pigmies, he trusted, would this day carry the question against them. The property of the West Indians was at stake, and though men might be generous of their own property, they should not be so with the property of others.

Lord Sheffield. · Lord *Sheffield* reprobated the overbearing language which had been used by some gentlemen towards others who differed in opinion from them, on a matter of so great difficulty and so much doubt as this, and declared that it was not the way to convince him. He protested against a debate in which he could trace nothing like reason, but, on the contrary, downright phrenzy, raised perhaps by the most extraordinary eloquence; yet he was satisfied he could at any other time demonstrate that the abolition, as proposed, was impracticable, and that the attempt would be productive of the greatest mischief. He denied the right of the British Legislature to pass such a law. He turned to the Chancellor of the Exchequer, and warned him, that the day on which the bill should pass into a law, would be the worst he had ever seen. It would hamper him more than his Spanish or Russian war, or a war

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with all Europe, inasmuch as a civil war was more terrible than all other wars.

Mr. Milnes.

Mr. *Milnes* declared, that he adopted all those expressions against the slave trade, which were thought so harsh by the noble Lord; and insinuated that his opinion had been turned by his being Member for Bristol. He quoted a passage from Lord Sheffield's pamphlet, and insisted, that the separation of families there complained of by the noble Lord, ought to affect his mind as a crying evil in the West Indies, as well as in Africa, and that he ought, on his own grounds, as stated in his pamphlet, to take the contrary side of the question.

Lord Sheffield.

Lord *Sheffield* replied, that his opinion had always been the same, and that the honourable gentleman misunderstood what he had been reading. He wished the condition of the negroes in the West Indies to be meliorated as much as any man; but it must be done with justice and good sense, and through the medium of the West-India Assemblies, who alone could carry it into effect.

The House now divided;

Noes	—	163
Ayes	—	88
Majority against the abolition	-	75

The House adjourned.

Wednesday, 20th April.

No material debate occurred.

Thursday, 21st April.

The order of the day having been read for the re-commitment of the Quebec Bill,

Mr. Sheridan.

Mr. *Sheridan* observed, that as, on the present occasion, the number of Members within the House was far from being considerable, he trusted, that if the right honourable gentleman absolutely wished that the principles and regulations of the bill might become the subject of examination and discussion, he would postpone its consideration until a future and more convenient day. Indeed, the circumstance of his having fixed upon this day, immediately before the holidays, when the attendance of the House was unusually thin, for the re-commitment of the bill, had induced several Members to believe that it was not his serious intention of bringing it on; and they had in consequence absented themselves, though they would otherwise willing have been present.—There was another reason why the consideration of the bill should be put off. The right honourable gentleman had, indeed, laid information upon the table, but he had not moved that it should be printed; and certainly if he had intended

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that this information should have been perused, and considered by the Members, he ought to have made the motion. Mr. Sheridan conceived that it should now be printed, and the Easter holidays would afford Members an opportunity of taking it into consideration, so that they might be better prepared to state their opinions. There was still another reason why he considered delay as necessary, not only to the House, but to the right honourable gentleman. It was not till lately, he understood, that the very persons had not been consulted in this business who were most interested, and best qualified to give information. It was certainly requisite, in forming any new system of Government, to obtain the most perfect acquaintance with all the particulars of the situation of those who were to be governed, as well as to pay the utmost attention to their opinions with regard to the nature of the regulations which ought to be adopted. It might appear proper to consult those who were to be governed, beforehand, as it was certainly desirable that every Government should meet the wishes of its subjects. It was politic, as people were most sensible of their own wants, as they might be supposed to be acquainted with the causes from which they rose, and qualified to point out the means of remedying them. By some strange neglect, however, the right honourable gentleman had not communicated on the subject with those very people from whom he was most likely to have received information and advice.

Mr. Pitt.

Mr. Chancellor *Pitt* observed, that there was no bill which had, perhaps, met with so little opposition, and been so much delayed. It had already gone through a Committee, but on the motion of a right honourable gentleman he had again consented that it should be re committed, so desirous was he that every objection should be removed, and the bill should undergo the most full and candid discussion. He had yesterday put off the re-commitment, on account of the late debate of the former day, but had given notice of his intention of bringing it on this day, in the manner which he thought best calculated to procure a full attendance of the House. If the attendance was not full, he hoped that it would not be deemed imputable to him. At the same time, having already consented to so much delay, he felt it at last incumbent on him to shew himself serious in the business, in order that he might not appear to trifle. He should, therefore, insist that the re-commitment should take place to-day. As to the information, it had now been laid a long time upon the table, without any motion having been made for its being printed. He should wish to know what part of it had suggested to the honourable gentleman the necessity of its now being printed,

or

or produced those objections with which he had been so late in coming forward?

Mr. Sheridan. Mr. *Sheridan* remarked, that as to his objections to the bill, they did not apply to any particular regulations; they were fundamental, they were to the principle of the bill itself. The information which the right honourable gentleman had not received, he could not be ignorant of; it had been offered; it was that of the agent who had come over with a petition from a most respectable body of Canada. After this bill had been so very long in agitation, and had occupied no less than five or six years of the honourable gentleman; after it had been so repeatedly delayed, it certainly was a kind of duty to relieve the discussion of it for a fuller attendance.

Mr. Pitt. Mr. Chancellor *Pitt* said, that it now appeared that the person whose information he had not received, was Mr. Limburner; but the House would recollect that his opinion had been desired to be delivered in writing. It had likewise been printed, but whether it had been laid on the table, or the Members had called for it, he could not tell.

Mr. Sheridan. Mr *Sheridan* contended, that though what had now been stated was true, yet still his assertion had equal force, as Mr. Limburner was not consulted, nor his opinion called for, till the bill had been previously framed.

Mr. Powys. Mr *Powys* thought it better that the re-commitment should be adjourned.

Mr. Pitt. Mr Chancellor *Pitt* declared, that still if there was any gentleman on the other side, who should say that he was not ready for the discussion, he should agree to put off the re-commitment of the bill.

Mr. Hussey. Mr. *Hussey* wished that the consideration of the bill might be put off, if such delay would not prove injurious to the prosperity of the province, or the interests of His Majesty's service.

Mr. M. A. Taylor. Mr *M. A. Taylor* complained that this business had very improperly been put upon the footing of involving the consideration of general principles of government, and the constitutions of other countries. Upon this ground, insinuations had been thrown upon gentlemen on this side of the House. If such insinuations should again be attempted, he should consider himself entitled to call to order. It was their business, in the present question, to take the constitution of the country as they found it, and equally to decline all general discussion and particular reference, unconnected with the subject.

Mr. Fox. Mr. *Fox* said, that having subjected himself to some imputations, he was desirous to follow, rather than lead, in the present business. He had been called upon for a declaration of principles. The present question, indeed, he considered

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as connected with general principles of government, though he did not see that it had any reference to opinions of the constitutions of other countries. He had taken occasion frequently to mention the revolution of France, and to express his opinion favourably to that revolution. Whether in this instance he was right or wrong, he should not determine. In his speech on the Government of Quebec, which had given rise to imputation, he had made some allusion, silly enough, perhaps, to an intention of giving refuge in that province to the exploded titles of Nobility. Indeed, whatever were his opinions, it was not difficult to find them out. And even his best friends would not impute to him the virtue of any prudence with regard to concealing his sentiments. He considered the opinions of every public man as due to the Public, and as not to be withholden from private considerations. He had approved likewise of the constitution of America, and indeed, in forming a Government for Canada, he considered that we ought to have regard to the excellence of that political system, adopted so immediately in its neighbourhood. He had frankly declared, as he thought, that under the pretence of giving to Canada the British constitution, we in reality gave them a constitution essentially different, and by no means possessed of the same privileges.

Mr. Dundas.

Mr. *Dundas* said, he rose to advert to an expression that had fallen from an honourable gentleman. We were to take the constitution of this country as we found it. We were not to take it merely because we had found it, but because we approved it in preference to every other, and considered it as the most perfect which could be adopted.

Mr. A. Taylor.

Mr. *A. Taylor* justified the expression by the authority of Blackstone, which in point of law, he said, was at least equal to that of the honourable gentleman.

Mr. Burke

Mr. *Burke* observed that there was nothing which he could more regret than any difference of opinion; there was nothing which depressed him more. How must he deplore any difference, with eloquence so greatly superior to his own, with abilities whose force nothing could resist. Dear, however, as was his friend, desirous as he was to avoid any difference, there was another object still dearer, of which he was still more desirous, the discharge of his duty. His opinions and principles were not unknown, and whenever the occasion should again present itself, he would not shun to declare them.

The re-commitment of the Quebec bill was adjourned to Friday, 6th May.

Mr. Hippesley.

Mr *Hippesley* remarked, that in the question which had just been disposed of, much had been said of anticipation and retrospect. In what he had to offer, he should strictly con-

fine himself to retrospect, as he most seriously shrunk from anticipation on the subject of our contest in India. Some very important news had been received, and detailed in the public prints, particularly a letter from Colonel Floyd to Col. Stuart, giving an account of an unfortunate check we had received from the army of Tippoo Sultan; Mr. Hippesley wished to hear from a right honourable gentleman whom he saw in his place, and who was best qualified to give information on the subject, whether this intelligence, stated in the Morning Chronicle, was authentic, and such other information as he might think consistent with his candour to communicate. Mr. Hippesley conceived the House was strictly entitled to this communication from the right honourable gentleman, as it had lately pledged their constituents so deeply in the event of the war in India.

On Mr. Hippesley's sitting down, the Speaker observed that he was not in order, not having followed what he had said with any motion.

Mr. Hippesley replied, that it was not his intention to have made any specific motion, but merely to have drawn from the right honourable gentleman the necessary information, which, he conceived, was not altogether irregular, but he was ready to move for a continuation of the correspondence of our Government in India with respect to the war with Tippoo Sultan.

Having accordingly made such a motion, and being seconded by Mr. Fox,

Mr. Dundas.

Mr. *Dundas* rose, and expressed his hopes, and almost firm belief that when the honourable gentleman should have recollected that the correspondence from India contained such information as might not prove altogether proper to be made public at once, he would not persist in his motion. The accounts received were, certainly not of the most agreeable nature, but in the dispatches there might be intermixed with the present state of affairs opinions respecting the future proceedings; these might be intermixed with the account of what had happened; intimations of what was likely, though not certain, to be pursued in future; and from this, and other reasons, which must be obvious to the honourable gentleman, it was his duty to oppose the present motion.

Mr. Fox.

Mr. *Fox* contended that the present war in India was very different from any other war that ever had happened, and he would state it in two points of view which particularly ought to regulate the conduct of that House; the first was, that they had already come to a vote of approbation of it; but this approbation only went to the commencement of the war, and therefore it remained still to be determined whether they gave their approbation to the continuance of it. It was

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a war leſs connected with the reſponſibility of the executive Government than any other could be, becauſe the India Company was concerned. The next point which demanded attention, was the expence which muſt neceſſarily attend this war in India; an expence, as to the manner of defraying which, that Houſe and the country were as yet ignorant. The expence of an armament or a war againſt Ruſſia, they all knew muſt fall upon them and their conſtituents, but hitherto, it had been a very different caſe with wars in India, and he wiſhed to know from the right honourable gentleman, at the head of the Indian Board, whether in the budget which he was accuſtomed to bring forward annually, and no doubt would ſoon lay before the Houſe, he meant to inform them how the expence was to be defrayed, whether India afforded the neceſſary reſources, or any demand was to be made upon that Houſe for their aſſiſtance to continue a war, which however adverſe his opinion might be to it, had already the ſanction of a vote to approve the commencement of it.

General Smith.

General *Smith* thought that the Miniſters ſhould have publiſhed a Gazette upon the receipt of the diſpatches which they had received, that the country might aſcertain the real ſtate of facts. All his acquaintance had come to him anxious to know what information he had received; and with regard to Colonel Floyd's letter, which was in the Newſpapers, it was nothing but a copy from the Calcutta Gazette.

Mr. Dundas.

Mr. *Dundas* expreſſed his aſtoniſhment that the honourable gentleman ſhould have cenſured Miniſters for not publiſhing a Gazette; they certainly had not refuſed to do it; but the truth was, that he received the diſpatches in the country only yeſterday forenoon, and came to town immediately. He had not yet been able to go through them all; but ſo far as he had gone, he had ſelected what he thought moſt material to be publicly known, and ſent that to the newſpapers, which he conceived to be the ſpeedieſt method of communication; publiſhing a Gazette, therefore, in his mind, would have been premature.

Mr. Hippeſley

Mr. *Hippeſley* ſaid, that he did not mean at that time to preſs his motion, but was ready to withdraw it. He made it merely on the Speaker's ſuggeſtion in point of order, and was perfectly ſatisfied with the avowal of the right honourable gentleman (Mr. Dundas), that Colonel Floyd's letter was the moſt authentic and beſt information which he could give to the Houſe.

Mr. Dundas named the 10th of May for his budget, and moved,

"That the papers reſpecting the finances of the Eaſt India "Company be referred to the Committee of the whole "Houſe," which was agreed to.

" The House adjourned for the recess.

Tuesday, 3d May.

The order of the day having been read for the second reading of the Sierra Leone Bill,

Mr. Gascoyne.

Mr. *Gascoyne* begged leave to call to the recollection of the House the circumstance of his having presented a petition some time ago from his constituents, praying to be heard by counsel against the bill, and as the House would recollect, also presented two petitions against it that day from most respectable bodies, viz. from the merchants of London, and from the African Company. He observed that he was not ready to be heard by counsel against the bill in that stage, nor did he know yet whether the petitioners would feel it necessary to be heard by counsel at all. That, he said, would depend altogether upon the sort of answer which he might receive from the honourable gentleman who had introduced the bill; if that answer should not be satisfactory, he should hope for the indulgence of the House, and expect their permission to let the petitioners be then heard by counsel on the report. Mr. Gascoyne declared, that the principal objection his constituents and the other petitioners had to the bill was, that it tended to establish a species of monopoly. He acknowledged that he had himself heard without doors, that the bill had no such object in view, but he would in a few words state the grounds on which such a suspicion was entertained. If the bill gave the intended corporation an exclusive right to the harbour of Sierra Leone, that would be a sort of monopoly, against which he should contend. If the water which he understood was now got for the ships from a spring within the circumference or tract of land, of thirty leagues, which the Company meant to have enclosed, was to be paid for by the ships who wanted it, that he should deem a monopoly; or if, as the natives now brought their rice and commodities down to the ships in Sierra Leone harbour, across the tract intended to be inclosed, the natives were either obliged to go circuitously round, or pay for passing over the usual tract, in either case, he should contend against it as a monopoly. He then proceeded to state one or two other cases, making altogether the general outline of the ground on which the petitioners would hold themselves bound to contest the bill as a monopoly. He also said, that if the object of the bill was to increase the trade to the natives of Africa, that he conceived could be effected without a bill, as the trade had been long since made a free trade and thrown open to all adventurers who chose to enter upon it. He farther stated that in the last treaty of peace with France we specified places where the English might not trade in Africa,

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and consequently in all others not so especially excepted, we might trade without interruption; Sierra Leone, he said, was one of these; therefore, if any other persons were restricted from trading there, except the newly intended company, it would be an objectionable monopoly. Mr. Gascoyne concluded with repeating that if the honourable gentleman who brought in the bill, would contend that it was not a monopoly, and support his argument by proof, neither his constituents nor the other petitioners, he believed, would oppose it.

Mr. Thornton

Mr. *Thornton* in reply said, that he had in fact given an answer to the honourable gentleman, when the subject was first agitated within those walls. He could undertake to say for himself, and he believed he could say the same for the other gentlemen concerned in the bill, that they meant not a monopoly; it would be better, however, if instead of trusting to any assertions, that he or any other individual might make on the subject, the honourable gentleman would look to the bill itself, as the clauses of it would best shew what were its real objects. The objections stated by the honourable gentleman, Mr. Thornton said, went not against the principle of the bill, but rather against a particular clause, which might even be left out without material injury to the bill. For his part, he thought the clause a useful and a proper clause, and as such he should be ready to argue it at the fit time for its discussion. With regard to the nature of the bill, it was this, viz. that a number of gentlemen, of which there were already about one hundred subscribers, partly from public spirit and partly from a spirit of speculation, had embarked a portion of their fortunes in a commerce for the natural produce of Africa, and wishing to extend that trade, they were desirous of securing themselves from being responsible with their whole fortunes for more than the share of losses they respectively took upon themselves, by the proportion of their several subscriptions; and as to the situation in which the other traders to Africa would be placed by the operation of the bill, Mr. Thornton declared, it would not be so bad as the honourable gentleman seemed to imagine; because all the length of tract the gentlemen concerned wished to enclose, was only about thirty miles, and not thirty leagues as had been erroneously stated. along one side of the river Sierra Leone, and all the other side, which was equally well calculated for landing and shipping goods, and which had the same water near it, and every other conveniency, would remain perfectly free for other traders. Mr. Thornton said the attempt of the gentlemen to extend the trade to Africa, appeared to him to be not only warrantable, but laudable and worthy encouragement; and unless it was meant

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that no trade but the slave trade should be carried on with Africa to any extent, he could not but persuade himself that the House would see the object of the bill in its true light, and give so laudable an attempt as that of the gentlemen concerned every necessary and proper encouragement.

Mr. Gascoyne. Mr. *Gascoyne* saw clearly, he said, that there were between the gentlemen concerned in the bill and the petitioners certain points on which they were likely to differ; one of these was, that he did not believe the tract proposed to be enclosed was at present in possession of the King of Great Britain; he should hope, therefore, that the petitioners might be permitted to be heard on the report.

The bill was then read a second time and committed for the next day.

General Smith moved, that Lord Cornwallis's commission, as Governor General in India, might be read. The same having been read accordingly,

Mr. Dundas. Mr. *Dundas* observed, that as the subject was of material importance, and required consideration before he could say whether he could agree or must differ with the honourable General, if the honourable General would consent to put it off till the next day, he would prepare himself either to agree with the motion, or to state his reasons for differing from it, should the latter appear to him to be his duty.

General Smith. General *Smith* said, he had no object in view but the public good, and therefore, as it was more adviseable that the executive Government of the country should take the lead in the business, he had not the smallest objection to comply with the right honourable gentleman's request.

The House adjourned.

Wednesday, 4th May.

No material debate occurred.

Thursday, 5th May.

Nothing material.

Friday, 6th May.

The House resolved itself into a Committee on the Quebec Bill, Mr. Hobart in the chair.

When the Chairman put the question, that the clauses of the bill be read paragraph by paragraph,

Mr. Burke. Mr. *Burke* said, it might be a question whether the Chairman should be directed to leave the chair, or whether the bill should be debated clause by clause. He should, therefore, speak to the general principle. The House, by the bill, was going to do a high and important act; to appoint a Legislature for a distant people, and to affirm a legal authority in itself,

itself, to exercise this high power. The first consideration then was, the competency or incompetency of the House to do such an act; for if it was not competent, the beneficence of the intention, or the goodness of the constitution they were about to give, would avail nothing. A body of rights, commonly called the rights of man, imported from a neighbouring country, was lately set up by some persons in this, as paramount to all other rights. This new code was—"That all men are by nature free, equal in respect of rights, "and continue so in society" If this code were admitted, then the power of the House could extend no farther than to call together all the inhabitants of Canada, and recommend to them the free choice of a constitution for themselves.—On what then was this House to found its competence? There was another code on which men in all ages had acted, viz. the Law of Nations, and on this code he thought the competence of the House must rest. This country had acquired the power of legislating for Canada by right of conquest; and in virtue of that right, all the rights and duties of the old Government had devolved on us. In the second place, came the right by the cession of the old Government; and in the third, the right of possession, which we had held for about thirty years. All these, according to the law of nations, enabled us to legislate for the people of Canada, bound us to afford them an equitable government, and them to allegiance. Setting aside then the doctrine of the rights of men, which was never preached any where without mischief, the House was bound to give to the people of Canada the best government that their local situation and their connection with this country would admit. How was this to be done? He could not refer to the experience of old governments, for that was exploded by the academies of Paris and the clubs of London, who saw too much by the light of their new lantern to have recourse to any other. The great examples to be considered, were the constitutions of America, of France, and of Great Britain. To that of America great attention, no doubt, was due, because it was of importance that the people of Canada should have nothing to envy in the constitution of a country so near to their own. Situation and circumstances were first to be considered—*Non mihi res sed rebus me submittere conor*. They were not to imitate the examples of countries that had disregarded circumstances, torn asunder the bonds of society, and even the ties of nature. In the local situation, was there any thing to give a preference to the American constitution, or in the habits of the people? Part of the province was inhabited chiefly by persons who had migrated from the United States. These men had fled from the blessings of American government, and there was

was no danger of their going back. There might be many causes of emigration not connected with Government, such as a more fertile soil, or more genial climate; but they had forsaken all the advantages of a more fertile soil, and more southern latitude, for the bleak and barren regions of Canada. There was no danger of their being so much shocked by the introduction of the British constitution, as to return. The people of America had, he believed, formed a constitution as well adapted to their circumstances as they could. But, compared with the French, they had a certain quantity of phlegm of old English good nature, that fitted them better for a republican Government. They had also a republican education: their former internal Government was republican, and the principles and vices of it were restrained by the beneficence of an over-ruling Monarchy in this country. The formation of their constitution was preceded by a long war, in the course of which, by military discipline, they learned order, submission to command, and a regard for great men. They learned what, if it was allowable in so enlightened an age as the present to allude to antiquity, a King of Sparta had said was the great wisdom to be learned in his country—to command and to obey. They were trained to government by war, not by plots, murders, and assassinations. In the next place, they had not the materials of monarchy or aristocracy among them. They did not, however, set up the absurdity that the nation should govern the nation; that Prince Prettyman should govern Prince Prettyman; but formed their government, as near as they could, according to the model of the British constitution. Yet he did not say, give this constitution to a British colony, because if the imitation of the British constitution was so good, why not give them the thing itself; as he who professed to sing like a nightingale, was told by the person to whom he offered his talents, that he could hear the nightingale herself. Hence he thought the greater number of inhabitants of that description, would have no objection to the British constitution; and the British inhabitants were probably not so much corrupted by the clubs of London, and the academies of Paris, as to think any form of government preferable to an old one. The ancient Canadians were next to be considered, and being the most numerous, they were entitled to the greatest attention. Were we to give them the French constitution—a constitution founded on principles diametrically opposite to ours, that could not assimilate with it in a single point; as different from it as wisdom from folly, as vice from virtue, as the most opposite extremes in nature—a constitution founded on what was called the rights of man? But let this constitution be examined by its practical effects in the French

West-India colonies. These, notwithstanding three disastrous wars, were most happy and flourishing till they heard of the rights of men. As soon as this system arrived among them, Pandora's box, replete with every mortal evil, seemed to fly open; hell itself to yawn, and every dæmon of mischief to overspread the face of the earth. Blacks rose against whites, whites against blacks, and each against one another in murderous hostility; subordination was destroyed, the bonds of society torn asunder, and each man seemed to thirst for the blood of his neighbour;

"Black spirits and white,
"Blue spirits and gray,
"Mingle, mingle, mingle."

All was toil and trouble, discord and blood, from the moment that this doctrine was promulgated among them; and he verily believed, that wherever the rights of men were preached, such ever had been and ever would be the consequences.—France, who had generously sent them the precious gift of the rights of men, did not like this image of herself reflected in her child, and sent out a body of troops, well seasoned too with the rights of men, to restore order and obedience. These troops, as soon as they arrived, instructed as they were in the principle of government, felt themselves bound to become parties in the general rebellion, and like most of their brethren at home, began asserting their rights by cutting off the head of their General. Mr. Burke read the late accounts from St. Domingo, delivered to the National Assembly, and added, that by way of equivalent for this information, M. Barnave announced the return of the Members of the late Colonial Assembly to the true principles of the constitution. The Members of an Assembly no longer in existence had bequeathed their return to the principles of the constitution as their last act and deed as a body, and this was an equivalent for all the horrors occasioned by troops joining in a rebellion which they were sent to quell. Ought this example to induce us to send to our colonies a cargo of the rights of men? As soon would he send them a bale of infected cotton from Marseilles. If we had so little regard for any of our colonies, as to give them that, for the sake of an experiment, which we would not take to ourselves,—if we were for *periculum in corpore vili*, let us think how it would operate at home. Let us consider the effects of the French constitution on France, a constitution on which he looked not with approbation but with horror, as involving every principle to be detested, and pregnant with every consequence to be dreaded and abominated, and the use which they proposed to make of it. They had told us themselves,

and their partizans in this country, the Revolution and the Unitarian Socities, had told us, that they had erected a great monument for the inſtruction of mankind. This was certainly done, not without a view to imitation. Let us ſee what we were to be called on to imitate; what were the laſt acts of the contrivers of this glorious form of Government. There were here no doubts of the facts, for they were related by the authors; and there were caſes in which the falleſt of men might be believed, namely, when they gave a true character of themſelves. When they had got a conſtitution, moulded according to the neweſt pattern of the rights of man; when they had got a King, who was every thing in name, and nothing in reality, over whom, as a State priſoner, the Marquis de la Fayette, the chief jailer of Paris, mounted guard: he was deſirous of taking a little freſh air, and a little recreation in the country, and they granted him a day rule to go five miles from Paris. But then recollecting, as it is the quality of the rights of men never to be ſecure, that this temporary releaſe from impriſonment might afford the means of eſcape, they ſurrounded his carriage, commanded him to ſtop, and one of the grenadiers of his faithful and loyal body guard preſented his bayonet to the breaſt of the fore horſe——

Mr. Baker

Mr. *Baker* here called Mr. Burke to order. He ſaid he had ſat many years in Parliament, and no man entertained a higher opinion of the integrity and abilities of the right honourable gentleman than he did. His eloquence was great, and his powers, on many occaſions, had been irreſiſtible. His abilities might enable him to involve the Houſe in unneceſſary altercation: this, perhaps, the right honourable gentleman might do unwittingly for others, and not to ſerve any purpoſe of his own; he himſelf, perhaps, might be the unwilling inſtrument, and might involve the country itſelf in a conteſt with another nation; he could not, therefore, ſit any longer, without calling him to order; and he ſhould inſiſt upon every perſon adhering to the queſtion, and that the Chairman ſtate what the queſtion before the Committee was. He ſaid he had no objection, on any occaſion, when queſtions of this ſort came properly before the Houſe, fairly and fully, openly and explicitly, to ſtate his opinion. He had called the right honourable gentleman to order, merely for the ſake of the Houſe, and of the peace of the country; and he had a right to ſay, that the right honourable gentleman's conduct was inconſiſtent with the order of debate, and the regularity of the proceedings of that Houſe.

The Chairman ſtated that the queſtion before the Committee was, whether the clauſes of the Quebec bill ſhould be read paragraph by paragraph.

Mr.

Mr *Fox* now roſe and ſaid, that he conceived his right honourable friend could hardly be ſaid to be out of order. It ſeemed that this was a day of privilege, when any body might ſtand up, ſelect his mark, and abuſe any government he pleaſed, whether it had any reference or not to the point in queſtion. Although no body had ſaid a word on the ſubject of the French revolution, his right honourable friend had gotten up and abuſed that event. He might have treated the Gentoo government, or that of China, or the government of Turkey, or the laws of Confucius, preciſely in the ſame manner, and with equal appoſiteneſs to the queſtion before the Houſe. Every gentleman had a right that day to abuſe the government of every country as much as he pleaſed, and in as groſs terms as he thought proper, or any government, either antient or modern, with his right honourable friend.

Mr. Fox.

Mr. *Burke* replied that, the honourable gentleman's concluſion was very ill drawn from his premiſes. If he was diſorderly he was ſorry for it. His right honourable friend had alſo accuſed him of abuſing governments in very groſs terms. He conceived his right honourable friend meant to abuſe him in unqualified terms He had called him to an account for the decency and propriety of his expreſſions. Mr. Burke ſaid he had been accuſed of creating diſſention among nations. He never thought the National Aſſembly was imitated ſo well as in the debate then going on. M. Cazales could never utter a ſingle ſentence in that Aſſembly without a roar.

Mr. Burke.

Mr *M. A Taylor* ſpoke to order. He thought the diſcuſſion was carried forward to no good purpoſe He ſaid, he revered and reſpected the character of his friend. They came to argue the queſtion on the Quebec bill; they were not diſcuſſing the Engliſh conſtitution, but whether, in fact, they ought to give the Britiſh conſtitution to Canada; and if they ought to give it, whether the preſent bill gave it. When he ſhould be permitted to give his opinion, he ſhould endeavour to ſhew that the bill did not give our conſtitution to that country. He ſaid, he muſt inſiſt on the rule of order. They were then diſcuſſing whether it would be right to give Canada our own conſtitution; and ſecondly, if it were right to give it, whether that bill had given it.

Mr. M. A. Taylor.

Mr. *Burke* ſubmitted to the Committee whether he was or was not in order. The queſtion was, whether the bill was then to be read paragraph by paragraph. It was in a fair way in reaſoning to ſee what experiments had been made in other countries. His right honourable friend had ſaid that no body had the leaſt idea of borrowing any thing of the French revolution in the bill. Mr. Burke aſked how his

Mr Burke.

right honourable friend knew that? For any thing he knew, he, (Mr. Burke) himself, might mean to insert some clause. If he were to be stopped, he asked, why was it not in the beginning, and before he had fully declared the French revolution to be the work of folly and not of wisdom? It was the work of vice and not of virtue. If the Committee would permit him to go on, he should endeavour to meet the most captious ideas of order. He declared he would not suffer friend nor foe to come between his affection and his argument, and thereby to make him a railer. His honourable friend had said that, although he did not do it himself, he was probably, though unwittingly, the instrument of some other people's folly. He declared, he had not brought forward this business from any views of his own. If they did not suffer the affair to be discussed, if they shewed a reluctance to it——————

Mr. St. John. Here Mr. *St. John* called Mr. Burke to order, and said, the discussion could not be brought forward with any regard to order. He really asked it as a favour of his right honourable friend, that he would fix a day on which he would bring on the discussion of the French constitution. He said he knew the English constitution; he admired it; he daily felt the blessings of it. He should be extremely sorry if any person in England should endeavour to persuade any man, or body of men, to alter the constitution of the country. If his right honourable friend had made the French revolution the subject of a distinct discussion, that would be bringing it on in a fair way. If his friend felt the mischiefs of the French constitution as applicable to the English constitution, let him appoint a day for that discussion. This he requested of his right honourable friend as a particular favour

Mr. Martin. Mr. *Martin* was of opinion that the right honourable gentleman (Mr. Burke) was not irregular in speaking of the French constitution. He had formerly heard a right honourable gentleman say, that the public had a right to the sentiments of public men on public measures, and therefore he hoped the right honourable gentleman would be permitted to go on.

Mr. Burke. Mr. *Burke* in reply said, he meant to take the sense of the Committee, whether or not he was in order. He declared he had not made any reflection, nor did he mean any, on any one gentleman whatever. He was as fully convinced as he could be, that no one gentleman in that House wanted to alter the constitution of England. The reason why, on the first regular opportunity that presented itself, he was anxious to make his reflections on the subject, was, because it was a matter of great public concern, and occasion called for his

obser

observations. As long as they held to the constitution he should think it his duty to act with them; but he would not be the slave of any whim that might arise. On the contrary, he thought it his duty not to give any countenance to certain doctrines which were supposed to exist in his country, and which were intended fundamentally to subvert the constitution. They ought to consider well what they were doing.

Here there was a loud call of Order!—Order!—and Go on!—Go on!

Mr. Burke.

Mr Burke said, there was such an enthusiasm for order that it was not easy to go on but he was going to state what the result of the French constitution perfected was and to shew that we ought not to adopt the principles of it. He might be asked, why state it, when no man meant to alter the English constitution? Why attack a [illegible] where none existed? And why endeavour to stir up passions where all was quiet before? He contended a thing might be orderly, and yet that it might be very improper to discuss it. Was there any reason for doing this, or did they think the country was in danger? He declared he was ready to answer that question. He was perfectly convinced that there was no immediate danger. He believed the body of the country was perfectly sound, although attempts were made to take the constitution from their heads by absurd theorists. He firmly believed the English constitution was enthroned in the affections of their bosoms; that they cherished it as a part of their nature; and that it was as inseparable from Englishmen, as their souls and their bodies. Some Ministers and others had, at times, apprehended danger, even from a minority; and history had shewn that in this way a constitution had been overturned. The question, he said, would be, what had they to do with the French constitution? They had no right to have recourse to the proceedings of the National Assembly, because the government of this country had not yet recognized it. If they had, they would silence him. If the French revolutionists were to mind their own affairs, and had shewn no inclination to go abroad and to make proselytes in other countries, Mr. Burke declared, that neither he for one should have thought, nor any other Member of the House, had any right to meddle with them. If they were not as much disposed to gain proselytes as Lewis XIVth had been to make conquest, he should have thought it very improper and indiscreet to have touched on the subject. He would quote the National Assembly itself, and a correspondent of his at Paris, who had declared that he appeared as the ambassador of the whole human race.—

Mr. Anstruther. Mr. *Anstruther* interrupting Mr. Burke, here spoke to order. He said, his right honourable friend had transgressed something of what he looked upon to be the bounds of order in that House. It was a rule of order for Members to confine themselves to the question in debate. When he stated this, he begged it to be understood, that if any minority in the country had any intentions to alter the constitution, there was no man more ready to take strong and decided measures to check that minority, and to crush that spirit then he should be—

Colonel Phipps. Here Colonel *Phipps* called Mr. Austruther to order, and said, that a declaration of his attachment to the constitution, or of his gallantry in defence of it, was as much out of order as the right honourable gentleman, whom he was calling to order.

Mr. Anstruther. Mr. *Anstruther* replied, that if the honourable gentleman had condescended to hear him out, before he had called him to order, he would have saved himself some trouble. The honourable gentleman would recollect, that he had said he had heard of a design in this country to overturn the constitution. If such a design really existed, it was the duty of the right honourable gentleman, who had stated it, to bring forward some specific measure on the subject. It was disorderly in the right honourable gentleman to thrust that into a debate on the Quebec bill If such a design really existed, it could not be debated on that day consistently with regularity. The question before the Committee was, whether the bill should be read paragraph by paragraph. The right honourable gentleman had said, how did gentlemen know but that somebody, perhaps that right honourable gentleman himself, meant to propose something of the French revolution in the bill. Let them stop then till a clause or clauses of that sort were proposed, let them be silent till something like the principles of the French constitution appeared in the bill, and then any gentleman would have a right to argue the subject: but till then all the debate was foreign to the question. He should say nothing to the danger, how far it was proper, how far it was decent, how far it was prudent, and how far it was wise. Gentlemen were discussing the French constitution without any question before them. The question was the Quebec constitution. The principle of the Quebec bill, if it had any principle, was something like the English constitution. The French constitution, for any thing we knew, might be good for them, and might be bad for us. It was neither fit nor prudent that that should be made a question of discussion in Parliament. If any intention existed in any part of the country to introduce the constitution of France, it should not be consi-

considered under the Quebec bill, but they should appoint a day for taking the subject into consideration to stop, crush, and quell any machination of that sort, if any such existed in any minority.

Mr. Burke.

Mr. *Burke* said, an objection had been taken against arguing the business on the ground, that although it might be in order, yet the discussion of it might be attended with mischievous consequences. If some good were not to be obtained by it, he admitted, it might be confutable to argue it, and prudence he owned was a very useful quality, and a part of every man's duty to his country. He said, he had formerly observed, in the course of this most irregular debate, that the body of the country was yet untainted with this French malady—The House smiled at the expression, and Mr. Burke observed, that there might be some allusion which might not be so proper. He hoped there was a very little minority indeed out of doors, who were disaffected with the English constitution, and who wished to put the country out of love with it, by endeavouring to fill them with admiration for another.—He was asked why he did not come forward with this business as a distinct subject? He said, before he did that, it would be proper first to know what support he was likely to have. He must know how government stood affected to the business, and also how the other side of the House liked it. He had sat six and twenty years in that House, and had never called any man to order in his life. This being a question of prudence, he thought it was the part of a wise man and good citizen rather to discountenance the measure, and to admonish those, who might entertain such designs, of their danger, than to come immediately to the knife He knew there was a levity natural to mankind; but when they were alarmed, they might recollect themselves, and correct those things which he should be sorry if the law were to correct for them.

[Here there was a loud cry of "Chair! Chair!" and of "Hear! Hear!"]

Mr. Austruther interrupted Mr. Burke, and spoke again to order.

Colonel Phipps.

Colonel *Phipps* immediately called Mr. Austruther to order, conceiving that the right honourable gentleman was not out of order, in as much as he had a right to introduce into the debate every topic that was at all applicable to the question.

Mr. Fox.

Mr. *Fox* said, he still entertained the opinion that he had stated originally, and he had before spoken seriously and not ironically. He thought his right honourable friend had a right to enter into the constitution of France, because he had a right to enter into the constitution of Turkey, or into that

that of the Gentoo government, upon just the same principle. But it had been usual when persons had gone into a question, to state which side of a question they meant to maintain. He confessed he did not know to what side of the question to apply what had been said. He did not know whether his right honourable friend was for or against reading the clauses paragraph by paragraph. He wished he would favour the Committee with the reasons which induced him to think the bill should be read paragraph by paragraph or not.

Mr. Grey. Mr. *Grey* said, it was certainly true, that when a government was to be provided, strictly speaking, he understood that any Member had a right to support any form of government, or to shew the evil tendency of another system which had been recommended by others. Yet he thought his right honourable friend had precluded himself from that by stating the view and purpose for which he brought forward that measure. He had said he did not believe there was a man in that House who wished to alter the constitution; and Mr. Grey believed his right honourable friend was perfectly sincere in that idea; upon what ground then, and upon what principle was it necessary to go into the French constitution? Because the right honourable gentleman knew a design existed somewhere to overturn the fundamental principles of our constitution. The right honourable gentleman had repeatedly declared, that he knew such a design existed. Now, if this was his ground, Mr. Grey wished to appeal to the right honourable gentleman himself, and to the Committee, whether that business ought to be discussed on the Canada bill; and whether that was a fit moment for such a discussion? It was a duty which that right honourable gentleman owed to his country, to discover that design; and if any person was more called upon than another, to wish that the discussion should be seriously taken up, it was the right honourable gentleman opposite to him (Mr. Pitt), who was bound to watch over the interests of the country, and to take care that no such design should be carried into effect, and therefore Mr. Grey hoped that the right honourable gentleman would unite with him in requesting his right honourable friend to drop this business on the Canada bill, and to make a direct charge with all that gravity which the most serious mode of form would allow, for bringing it with due solemnity before the House.

Mr. Pitt. Mr. Chancellor *Pitt* hoped the honourable gentleman would not call on him to give him an answer till he could do it consistently with order. He doubted whether what had just been delivered by the honourable gentleman was a speech in order; and unless some question had been moved or order

made

made to stop the right honourable gentleman, he said, he could give no answer without being guilty of an irregularity.

Mr. *Grey* said it was not his custom to call for an answer from the right honourable gentleman when he was precluded from giving that answer. He repeated it, that if any member knew of a design existing to overturn the constitution of the country, it was the duty of that member to bring it forward; and he requested the right honourable gentleman to unite with him in intreating his right honourable friend to put an end to a discussion which could not then, with propriety, come before the House. He therefore again called on the right honourable gentleman to adopt the mode of naming a day when he might bring forward the subject properly, and have it regularly discussed.

Mr. Grey.

Mr. *Sheridan* made the same application to the right honourable gentleman opposite to him, (Mr. Pitt). He was extremely glad, he said, to find that right honourable gentleman had professed himself an advocate for order.

Mr. Sheridan.

Mr. Chancellor *Pitt* called Mr. Sheridan to order. He submitted it, to the Committee, whether, when the question was with respect to the order or disorder of the right honourable gentleman, the honourable gentleman (Mr. Sheridan) had a right to digress from that question?

Mr. Pitt.

Mr. *Sheridan* said the right honourable gentleman, who was out of order, spoke to order. He said if there were any design to overturn the constitution, it was the duty of that House, and particularly of that right honourable gentleman, to endeavour to follow up the idea, and to prepare, in a fair, manly way, for the discussion. [Mr. Sheridan was going on, when he was called to order by Mr. Orde.]

Mr. Sheridan.

Mr. Sheridan thought it his duty to interrupt the right honourable gentleman whenever he spoke on that question. He had been stating matters, which he thought required a separate discussion.

Colonel Phipps called Mr. Sheridan to order.

Mr. Chancellor *Pitt* said, whenever any body conceived the right honourable gentleman was out of order, they got up and interrupted him. The only way to bring this to a point would be to move, that it was disorderly for him to advert to the French Constitution in the present debate. He said he himself could not interrupt him unless he was convinced he was out of order.

Mr. Pitt.

Mr. *Burke* again submitted to the Committee, whether he was orderly or not. He desired to proceed no further, without taking the sense of the House upon it. When he spoke of a design that was formed in this country against the constitution, he said, he spoke with all the simplicity of a member of

Mr. Burke.

Parliament. He did not imagine there were any plots, but he had a knowledge or conviction of them. Mr. Burke complained that his friend had not used him with candour. He said, if they reluctantly forced him to take a regular day, he should certainly do it, provided they gave him a regular parliamentary call to do it.

Mr. Grey.

Mr. *Grey* said, he certainly did not mean to shrink from any thing he had before stated. He did not know he could call on the right honourable gentleman to bring forward the measure, but if the right honourable gentleman knew of any such design, it certainly was his duty to mention it.

Mr. Burke.

Mr. *Burke* asserted that there was such a design, so far as could be collected from the conduct of certain persons in the country, to put us out of love with our constitution. If he was called on regularly, he should certainly make good his charge.

Mr St. John

Mr. *St. John* called Mr. Burke to order a second time, and said, he should think it necessary to take the opinion of the House on his conduct.

Mr. Burke.

Mr. *Burke* said, an attempt was now made, by one who had been formerly his friend, to bring down upon him the censure of the House; it was unfortunate, he said, for him, sometimes to be hunted by one party, and sometimes by another. He considered himself to be unfairly treated by those gentlemen with whom he had been accustomed to act, but from whom he now received extreme violence. He should, he said, if the tumult of order abated, proceed in the account he was going to give of the horrible and nefarious consequences flowing from the French idea of the rights of men.

Lord Sheffield.

Lord *Sheffield* spoke to order. Whatever might be said by gentlemen on the other side of the House to the contrary, his Lordship declared, he was convinced that the right honourable gentleman was disorderly, and would move, "That dissertations on the French Constitution, and to read a narrative of the transactions in France, are not regular or orderly on the question that the clauses of the Quebec bill be read a second time, paragraph by paragraph."

Mr. Fox seconded the motion.

Mr. Pitt.

Mr. Chancellor *Pitt* was glad of the motion, as it reduced the debate to something like order. He said, he considered the introduction of a discussion on the French constitution to rest on discretion and order, which were two distinct things; he explained their difference, and said, for his own part he would use no vehement language, nor any words that might give umbrage; not conceiving, however, that the right honourable gentleman was disorderly, he should certainly give his negative to the motion.

Mr.

Mr. *Fox* said, he was sincerely sorry to feel that he must support the motion, and the more so, as his right honourable friend had made it necessary by bringing on, in so irregular a manner, a discussion of a matter by no means connected with the Quebec bill, in a manner which he could not help thinking extremely unfair, but which he must consider as a direct injustice to him. If the right honourable gentleman's argument over the way, with regard to order was to obtain order, it was a mode of order that would go to stop every proceeding of that House, especially in committees. It was proper to debate the principle of a bill in the second reading of it; and referring to matter that might be analogous, much latitude would be required; the Quebec bill had been read a second time, and was decided. If gentlemen, therefore, when a bill was in a Committee, would come down and state in long speeches, general answers to all possible objections, to clauses that might be proposed, but were never meant to be proposed, debates might be drawn to any imaginable length, and the business of the House suspended at the pleasure of any one of its members. The argument which some gentleman might possibly move, that the Chairman leave the chair, was applicable to every clause, and to every stage of the bill in the Committee; and if on that account every species of volunteer argument was to be held in order, it would be impossible for business to proceed. His right honourable friend, instead of debating the principle of the bill in any stage which was usual, had come down, not to debate the clauses, but to fortify misrepresentations of what he had said in a former debate, which his right honourable friend did not even hear. Order and discretion in debate, had been said to be distinct; with him, Mr. Fox declared, they never should be separate. Where the distinction lay he could not see, for he always conceived that order was founded on discretion. He was not in the habit of interrupting any gentleman on the point of order; because, unless the deviation from it was strong indeed, more time was often lost by calling to order, than by suffering gentlemen to proceed. But if he saw any discussion attempted to be introduced in a way not merely irregular, but unfair, he felt himself obliged to endeavour to stop it. Much had been said on the present occasion, of the danger of theory and the safety of practice Now, what had been the conduct of the gentleman who looked on theory with abhorrence? Not to enter into a practical discussion of the bill clause by clause, and to examine whether it gave, what it professed to give, the British constitution to Canada, but having neglected to have done his duty, and attended the proper stage of debating the principle, to enter into a theoretical enquiry of what the principle ought to be, and a dis-

cussion of the constitution of another country, respecting which it was possible that he might differ from him. If this were not manifest eagerness to seek a difference of opinion, and anxiety to discover a cause of dispute, he knew not what was; since if they came to the clauses of the bill, he did not think there would be any difference of opinion, or at most but a very trifling one. If the right honourable gentleman's object had been to debate the Quebec bill, he would have debated it clause by clause, according to the established practice of the House. If his object had been to prevent danger apprehended to the British constitution, from the opinions of any man, or any set of men, he would have given notice of a particular day for that particular purpose, or taken any other occasion of doing it, rather than that on which his nearest and dearest friend had been grossly misrepresented and traduced. That at least was the course which he should himself have taken, and therefore what he naturally expected from another. The course which his right honourable friend had chosen to take, was that which seemed to confirm the insinuation urged against him, that of having maintained republican principles as applicable to the British constitution, in a former debate on the bill. No such argument had ever been urged by him, nor any from which such an inference was fairly deducible. On the French Revolution he did indeed differ from his right honourable friend. Their opinions, he had no scruple to say, were wide as the poles asunder; but what had a difference of opinion on that, which to the House was only matter of theoretical contemplation, to do with the discussion of a practical point, on which no such difference existed? On that Revolution, he adhered to his opinion, and never would retract one syllable of what he had said. He repeated, that he thought it, on the whole, one of the most glorious events in the history of mankind. But when he had on a former occasion mentioned France, he had mentioned the Revolution only, and not the constitution; the latter remained to be improved by experience, and accommodated to circumstances. The arbitrary system of government was done away: the new one had the good of the people for its object, and this was the point on which he rested. This opinion, Mr. Fox said, he wished the time might come to debate, if opinions of his were again to be made the subject of parliamentary discussion. He had no concealment of his opinions, but if any thing could make him shy of such a discussion, it would be the fixing a day to catechize him respecting his political creed, and respecting opinions on which the House was neither going to act, nor called upon to act at all. He had been thus catechized in 1782, when a right honourable gentleman (Mr. Dundas) in the last stage of the then adminis-

administration, had said, "Admitting this administration to be bad, where are you to find a better? Will you admit men into power, who say, that the representation of the people is inadequate, and whose principles would overturn the constitution?" On that occasion, he had found an able defender in a right honourable gentleman, whom he could not expect to be his defender that day; but who had in 1782 demanded in manly and energetic tones, "if the House would bear to be told, that the country was incapable of furnishing an administration more worthy of trust than that whose misconduct was admitted even by its advocates." He might now have looked for a defender to another quarter, to the Bench on which he sat, and been as much disappointed. Yet the catechizer on that occasion had soon after joined another ministry, and supported that very reform of the representation which he then deprecated as more dangerous to the constitution and the country, than all the misfortunes of that administration. Were he to differ from his right honourable friend on points of history, on the constitution of Athens or of Rome, was it necessary that the difference should be discussed in that House? Were he to praise the conduct of the elder Brutus, and to say that the expulsion of the Tarquins was a noble and patriotic act, would it thence be fair to argue that he was desirous of the establishment of a consular government in this country? were he to repeat the eloquent eulogium of Cicero on the taking off of [illegible], would it thence be deducible that he went with a knife about him for the purpose of killing some great man or other? Let those who said, that to admire was to wish to imitate, shew that there was some similarity of circumstances. It lay on his right honourable friend to shew that this country was in the precise situation of France at the time of the French Revolution, before he had a right to meet his argument, and then with all the obloquy that might be heaped on the declaration, he should be ready to say, that the French Revolution was an object of imitation for this country. Instead of seeking for differences of opinion on topics, happily for the country, entirely topics of speculations, let them come to matter of fact and of practical application, let them come to the discussion of the bill before them, and see whether his objections to it were republican, and in what he should differ from his right honourable friend? He had been warned by high and most respectable authorities that minute discussion of great events, without information, did no honour to the pen that wrote, or the tongue that spoke the words. If the Committee should decide that his right honourable friend should pursue his argument on the French constitution, he would leave the House, and if some friend would send him word, when the clauses of the

Quebec

Quebec bill were to be discussed, he would return and debate them. And when he said this, he said it from no unwillingness to listen to his right honourable friend; he always had heard him with pleasure, but not where no practical use could result from his argument. When the proper period for discussion came, feeble as his powers were, compared with those of his right honourable friend, whom he must call his master, for he had taught him every thing he knew in politics, (as he had declared on a former occasion, and he meant no compliment when he said so) yet feeble as his powers comparatively were, he should be ready to maintain the principles he had asserted, even against his right honourable friend's superior eloquence, and maintain, that the rights of man, which his right honourable friend had ridiculed as chimerical and visionary, were in fact the basis and foundation of every rational constitution, and even of the British constitution itself, as our statute book proved: since, if he knew any thing of the original compact between the people of England and its government, as stated in that volume, it was a recognition of the original inherent rights of the people as men, which no prescription could supersede, no accident remove or obliterate. If such were principles dangerous to the constitution, they were the principles of his right honourable friend, from whom he had learned them. During the American war they had together rejoiced at the successes of a Washington, and sympathized almost in tears for the fall of a Montgomery. From his right honourable friend he had learned that the revolt of a whole people could never be countenanced and encouraged, but must have been provoked. Such had at that time been the doctrine of his right honourable friend, who had said with equal energy and emphasis, that he could not draw a bill of indictment against a whole people. Mr. Fox declared he was sorry to find that his right honourable friend had since learnt, to draw such a bill of indictment, and to crowd it with all the technical epithets which disgraced our statute book, of false, malicious, wicked, by the instigation of the devil, not having the fear of God before your eyes, &c. Having been taught by his right honourable friend, that no revolt of a nation was caused without provocation, he could not help feeling a joy ever since the constitution of France became founded on the rights of man, on which the British constitution itself was founded. To deny it, was neither more nor less than to libel the British constitution; and no book his right honourable friend could cite, no words he might deliver in debate, however ingenious, eloquent and able, as all his writings and all his speeches undoubtedly were, could induce him to change or abandon that opinion; he differed upon that subject with his right honourable friend *toto cælo*.

Having

Having proceeded thus far, Mr. Fox declared he had ſaid more than he had intended, poſſibly much more than was either wiſe or proper; but it was a common error ariſing from his earneſtneſs to be clearly underſtood; but if his ſentiments could ſerve the other ſide of the Houſe, which had countenanced the diſcuſſion of that day, apparently in order to get at them, they had acted unneceſſarily. They might be ſure of him and his ſentiments on every ſubject, without forcing on any thing like a difference between him and his right honourable friend, and having once heard them, they might act upon them as they thought proper.

Mr. Burke

Mr. *Burke* ſaid, that though he had been called to order ſo many times, he had ſat with perfect compoſure, and had heard the moſt diſorderly ſpeech that perhaps ever was delivered in that Houſe. He had not purſued the conduct of which an example had been ſet to him, but had heard, without the leaſt interruption, that ſpeech out to the end, irregular and diſorderly as it had been: his words and his conduct throughout had been miſrepreſented, and a perſonal attack had been made upon him from a quarter he never could have expected, after a friendſhip and an intimacy of more than twenty two years; and not only his public conduct, words, and writings, had been alluded to in the ſevereſt terms, but confidential converſations and private opinions had been brought forward, with a view of proving that he acted inconſiſtently; and now a motion was introduced, which hindered him, in a great meaſure, from having an opportunity to aſcertain, by facts, what he had ſtated as opinions. He could not help thinking, that on the ſubject of the French revolution, he had met with great unfairneſs from the right honourable gentleman, who had ſaid as much as that he had acted and ſpoken raſhly, without information, and unſupported by facts to bear out his deductions, and this had been treated in a manner that did little juſtice to his feelings, and had little appearance of decency on the part of the right honourable gentleman. However, when, and as often as this ſubject came to be diſcuſſed fairly, and facts that he was poſſeſſed of allowed to be brought forward, he was ready to meet the right honourable gentleman hand to hand, and foot to foot upon it. Much was ſaid againſt proceeding without good information. He was ready to ſtate his proofs for all the facts he had alledged, to which public proof was at all applicable; that indeed there were a few particulars on which he did not chuſe to take iſſue; becauſe, in the preſent ſtate of things in the happy country of France, he might ſubject his relators to the faſhionable ſummary juſtice of the *lanterne*. Under a very few reſerves of that kind, he was ready to enter into the diſcuſſion concerning the facts in that book,

book, whenever he pleased. He might possibly fall into minute and trivial mistakes, but he was sure he was substantially right in every substantial matter of fact. To the few matters on which he must decline offering proof, he pledged himself, upon his honour, that he had sufficient to satisfy any sober and considerate judgement. But this, it seemed, was not the cause of quarrel; it was not because this authority, or that example, were mentioned, but he was accused of misrepresenting what the right honourable gentleman had said on a former day, when he owned he was not present, and which he disavowed in the most positive terms. He denied any reference to that, or any other speech of the right honourable gentleman, and contended that he had argued on this, as he wished to do on every other occasion, in a candid, plain, and simple manner. With regard to the subject which he meant to introduce in the Committee on the Quebec bill, the right honourable gentleman was no stranger to the grounds he meant to go upon. He opened to him very particularly the plan of his speech; how far he meant to go; and what limits he proposed to put upon himself. His reasons for forming those opinions, he had mentioned in the fullest and most particular manner to him, at his own house, and walked from thence to that House with him, conversing all the time on that subject. The right honourable gentleman had then entirely disagreed with him upon it, but they had no quarrel upon it, and what the right honourable gentleman had said upon the subject, he did not now wish to state. He would not, however, be persuaded, from what the right honourable gentleman said, to give up his purpose of stating to the House, upon this occasion, his mind with regard to the French constitution, and the facts which led him to think as he did; and certainly in this he thought there could be nothing disorderly, especially when so much had been already introduced, not about the constitution of Quebec, but about the American constitution. He had asserted that dangerous doctrines were encouraged in this country, and that dreadful consequences might ensue from them, which it was his sole wish and ambition to avert, by strenuously supporting the constitution of Great Britain as it is, which, in his mind, could better be done by preventing impending danger, than by any remedy that could afterwards be applied; and he thought himself justified in saying this, because he did know that there were people in this country avowedly endeavouring to disorder its constitution and government, and that in a very bold manner. The practice now was, upon all occasions, to praise, in the highest strain, the French constitution; some, indeed, qualified their argument so far, by praising only the French revolution; but in

that

that he could see no difference, as the French constitution, if they had any, was the consequence and effect of that revolution. So fond were gentlemen of this favourite topic, that whoever disapproved of the anarchy and confusion that had taken place in France, or could not foresee the benefits that were to arise out of it, were stigmatised as enemies to liberty, and to the British constitution, charges that were false, unfounded, misapplied, and every way unfair. Doctrines of this kind, he thought, were extremely dangerous at all times, and much more so, if they were to be sanctioned by so great a name as that of the right honourable gentleman, who always put whatever he said in the strongest and most forcible view that it could appear. Thus it had become common to set the French constitution up against the English constitution, upon all occasions, when the comparison could be introduced; and then he insisted, if the former was praised, the latter must be proportionably depreciated. Here again he reverted to what he had been told had passed on a former day, when he said the right honourable gentleman had taken fire when the French constitution was mentioned, and had termed it the most glorious and stupendous fabric that ever was reared by human wisdom. He still insisted, that the discussion of the Quebec bill was a proper opportunity, after what had been said, for entering upon a true and minute comparison of the French constitution with that of England, though the disorderly rage for order that prevailed that day, seemed to be adopted for the purpose of precluding every fair or proper discussion. He had that day been accused, amongst other breaches of friendship towards the right honourable gentleman, of having provoked this discussion, to give an advantage to the right honourable gentleman's [illegible], a principle that he utterly disclaimed, and never thought that any fair or candid man could have thought; however, if any could have supposed so before what they had heard from the opposite side of the House, this day must convince them of the contrary. In what he had repeatedly said and written concerning the French revolution, he had been accused of stating his opinions rashly and without foundation, a charge which he was certainly anxious and able to refute, if he had been allowed; and at the very time when he was going to produce facts in support of what he had asserted, blended partly with private information and respectable authorities, though he perhaps might have gone greater lengths than he wished, by disclosing communications which he ought to conceal, yet being so particularly called upon, he would have done it; at this very moment, he was stopped in the most unfair, and, notwithstanding, as he had already said, the rage for order, the most disorderly manner: and but for this

extraordinary conduct, he would have proved that the issue of the French constitution, or revolution, which they liked to call it, was not intended for, and never could be, for the cause of liberty, but, on the contrary, ever was, and ever would be, for the cause of tyranny, oppression, injustice, anarchy, and confusion. After what had been said, nobody could impute to him interested or personal motives for his conduct; those with whom he had been constantly in habits of friendship and agreement with him, were all against him, and from the other side of the House he was not likely to have much support; yet, all he did, was no more than his duty. It was a struggle not to support any man, or set of men, but a struggle to support the British constitution, in doing which he had incurred the displeasure of all about him, and those opposite to him; and what was worst of all, he had induced the right honourable gentleman to rip up the whole course and tenure of his life, public and private, and that not without a considerable degree of asperity. His failings and imperfections had been keenly exposed, and, in short, without the chance of gaining one new friend, he had made enemies, it appeared malignant enemies, of his old friends; but, after all, he esteemed his duty far beyond any friendship, any fame, or any other consideration whatever. He had stated the danger which the British constitution was daily in, from the doctrines and conduct of particular persons; however, as neither side of the House supported him in this, but as both sides thought otherwise, he would not press that point upon them now in any stronger way than he had done; but he would still aver, that no assistance which could either be given or refused to him, would ever bias him against the excellence of the British constitution; nor lead him to think well of the French revolution, or the constitution, as it was named, that was formed in its place. The right honourable gentleman, in the speech he had made, treated him in every sentence with uncommon harshness. In the first place, after being fatigued with skirmishes of order, which were wonderfully managed by his light troops, he then brought down the whole strength and heavy artillery of his own judgement, eloquence, and abilities, upon him, to crush him at once, by declaring a censure upon his whole life, conduct, and opinions. Notwithstanding this great and serious, though, on his part, unmerited attack, and attempt to crush him, he would not be dismayed; he was not yet afraid to state his sentiments in that House, or any where else, and he would tell all the world that the constitution was in danger. And here he must, in the most solemn manner, express his disapprobation of what was notorious to the country, and to the world. Are there not clubs in every quarter, who meet and vote resolutions,

solutions, the contents of which was it necessary for him to enumerate? Do they not correspond all over the country, and with other countries? Do they not preach in their pulpits doctrines that are dangerous, and celebrate at their anniversary meetings, proceedings incompetent with the spirit of the British constitution? Admitting these, and he believed nobody would say his observations here were ill founded, would they hesitate a moment to pronounce such transactions dangerous to the constitution, and extremely mischievous in their nature; when added to this, infamous libels against the constitution were circulated every where. The malignity with which the right honourable gentleman had spoken his sentiments with regard to Government, and the charge of inconsistency in his political life and opinions, were neither fair nor true; for he denied that he ever had any different idea of Government from what he now entertained, and had upon many occasions stated; he laid it down as a maxim, that monarchy was the basis of all good government, and that the nearer to monarchy that any government approached, the more perfect it was, and *vice versa*; and he certainly, in his wildest moments, never had so far forgotten the nature of Government, as to argue that we ought to wish for a constitution that we could alter at pleasure and change like a dirty shirt. He was by no means anxious for a Monarchy with a dish of a republicanism to correct it. But the French constitution was the exact opposite of the English in every thing, and nothing could be so dangerous as to set it up to the view of the English, to mislead and debauch their minds. In carrying on this attack against him, the right honourable gentleman had been supported by a corps of well disciplined troops, expert in their manoeuvres, and obedient to the word of their commander —

[Mr. Grey here called Mr. Burke to order, conceiving that it was disorderly to mention gentlemen in that way, and to ascribe improper motives to them.]

Mr Burke explained, and went on. He said he had formerly stated, that he believed those who fomented what he dreaded as dangerous to the constitution, to be a very small number indeed; it was not from their numbers now, but if the spirit was suffered to ferment, who could tell what might happen? Let it be remembered there were 300,000 men in arms in France, who at the proper moment might assist that spirit; and though there might be no immediate danger threatening the British constitution, yet a time of scarcity or tumult might come, and in such a case it was certainly safer and wiser to prevent the consequences, than to remedy the evil. He recurred to 1780, and mentioned the dreadful consequences of the riots occasioned by Lord George Gordon.

Had he at that time cautioned the Houſe to beware of the Proteſtant Aſſociation, and other caballing meetings, he ſuppoſed his cautions would have been treated in the ſame way, as thoſe he offered now; but he truſted no perſon would wiſh again to ſee ſuch deſtruction and diſorder; the houſes of ſome of the greateſt and beſt men that ever adorned this country, the Marquis of Rockingham and Sir George Saville, beſet by the mob, and obliged to be defended by armed force; they ſurely could not deſire again to behold camps in all our ſquares, and garriſons in our palaces. As to the preſent ſtate of this country, he deſcribed the King as in full power in all his functions, that his Miniſters were reſponſible for all their conduct; that the country was bleſſed with an oppoſition of ſtrong force, and that the common people were united with the gentlemen in a column of prudence. From all which he argued, that the preſent was the moment for cruſhing this diabolical ſpirit, and every trivial attempt to ſubvert the principles of the conſtitution ought to be watched with the greateſt jealouſy and circumſpection; when he ſpoke of our conſtitution as valuable, he ſpoke of the whole complete, and not of any particular or predominant part; and therefore thought it wiſer to be prepared for any attack that might be made upon it, than to truſt that we could preſerve it, even after the attack was made. Having dwelt for ſome time upon this point, he next began to recapitulate the political queſtions upon which he had differed with the right honourable gentleman upon former occaſions, particularly the ſeveral attempts that had been made for a parliamentary reform, the Diſſenters bill, and the Royal Marriage act; perhaps, too, in other inſtances; but in all theſe, in the courſe of their acquaintance and intimacy, no one difference of political opinion had ever for a moment interrupted or affected their friendſhip. It certainly was indiſcretion, at any period, but much greater at his time of life, to provoke enemies, or give his friends cauſe to deſert him; yet if that was to be the caſe, by adhering to the Britiſh conſtitution, he would riſk all, and, as public duty and public prudence taught him, in his laſt words, exclaim, "Fly from the French conſtitution." [It was whiſpered by Mr. Fox, there was no loſs of friends.] Mr. Burke ſaid, yes, there was a loſs of friends, he knew the price of his conduct; he had done his duty at the price of his friend; their friendſhip was at an end. He had been told, that it was much better to defend the Engliſh conſtitution, by praiſing its own excellence, than by abuſing other conſtitutions, and certainly the taſk of praiſing was much more pleaſant than that of abuſing; but he contended that the only fair way of arguing the merits of any conſtitution, was by comparing it with others, and he could not ſpeak

speak with propriety of the excellence of the English constitution, without comparing it with the deformity and injustice of the French, which was the shade that brought its colours forward in the brightest point of view; and omitting to do it, would be like presenting a picture without a shade. He should warn the right honourable gentlemen who were the great rivals in that House, that whether they should in future move in the political hemisphere as two flaming meteors, or walk together as brethren, that they should preserve and cherish the British constitution; that they should guard against innovation, and save it from the danger of these new theories. In a rapturous apostrophe to the infinite and unspeakable power of the Deity, who, with his arm, hurled a comet like a projectile out of its course—who enabled it to endure the sun's heat, and the pitchy darkness of the chilly night; he said, that to the Deity must be left the task of infinite perfection, while to us poor, weak, incapable mortals, there was no rule of conduct so safe as experience. He concluded with moving an amendment, that all the words of the motion, after "Dissertations on the French constitution," should be omitted, and the following be inserted in their room—"tending to shew that examples may be drawn there-"from; and to prove that they are insufficient for any good "purposes, and that they lead to anarchy and confusion, "and are consequently unfit to be introduced into schemes "of Government, are improper to be referred to on a motion "for reading the Quebec bill paragraph by paragraph."

In the course of the preceding speech, Mr. Burke having said that Mr. Fox had of late years forborne that friendly intercourse with him, by visits, &c., which he had formerly preserved, the latter, in reply, said, that the omission complained of, was purely accidental; that men, at different periods, fell into different habits; and without any intentional neglect, it frequently happened that they did not see their friends so often as they might have done in preceding years: but at the same time, that their friendship was as warm and as sincere as ever.

Mr. Burke, likewise, while in one of the parts of it, where he was reasoning with great warmth, checked himself, and addressing himself to the Chair, said, "I am not mad, most "noble Festus, but speak the words of truth and soberness."

Mr. Fox.

Mr. *Fox* rose to reply, but his mind was so much agitated and his heart so much affected by what had fallen from Mr. Burke, that it was some minutes before he could proceed. Tears trickled down his cheeks, and he strove in vain to give utterance to feelings that dignified and exalted his nature. In justice to the House, it must be said, that the sensibility of every one present seemed to be uncommonly excited

cited upon the occaſion. Being at length recovered from the depreſſion under which he had fallen, Mr. Fox proceeded to anſwer the aſſertions which had cauſed it. He ſaid, however events might have altered the mind of his right honourable friend, for ſo he muſt call him, notwithſtanding what had paſſed, becauſe, grating as it was to any man to be unkindly treated by thoſe who were under obligations to him, it was ſtill more grating and painful to be unkindly treated by thoſe to whom they felt the greateſt obligations, and whom, notwithſtanding their harſhneſs and ſeverity, they found they muſt ſtill love and eſteem. He could not forget, that when a boy almoſt, he had been in the habit of receiving favours from his right honourable friend, that their friendſhip had grown with their years, and that it had continued for upwards of twenty five years, for the laſt twenty of which they had acted together, and lived on terms of the moſt familiar intimacy. He hoped, therefore, that notwithſtanding what had happened that day, the right honourable gentleman would think on paſt times, and however any imprudent words or intemperance of his might have offended him, it would ſhew that it had not been at leaſt intentionally his fault. The right honourable gentleman had ſaid, and ſaid truly, that they had differed formerly on many ſubjects, and yet it did not interrupt their friendſhip. Let the right honourable gentleman ſpeak fairly and ſay, whether they could not differ, without an interruption of their friendſhip, on the ſubject of the French revolution, as well as any of their former ſubject of difference. He enumerated ſeverally what thoſe differences of opinion had been, and appealed to his right honourable friend, whether their friendſhip had been interrupted on any one of thoſe occaſions. In particular, he ſaid, on the ſubject of the French revolution, the right honourable gentleman well knew, that his ſentiments differed widely from his own; he knew alſo, that as ſoon as his book on the ſubject was publiſhed, he condemned that book both in public and private, and every one of the doctrines it contained. Mr. Fox again explained, that Mr. Burke's conduct appeared as if it ſprung from an intention to injure him, at leaſt it produced the ſame effect, becauſe the right honourable gentleman oppoſite to him had choſen to talk of republican principles as principles which he wiſhed to be introduced into the new conſtitution of Canada, whereas his principles were very far from republican in any degree. If, therefore, his right honourable friend had thought it neceſſary to ſtate to the Houſe his ſentiments on the French revolution, he might have done it on any other occaſion, with leſs injury to him, than on the Quebec bill, becauſe his doing it then, confirmed and gave weight to the miſrepreſentation of the right honourable

gentle-

gentleman opposite to him, and not only that, but put it out of his power to answer him properly. Besides he had, as every other man must have, a natural antipathy and dislike to being catechised as to his political principles. It was, he said, the first time that ever he had heard a philosopher state, that the way to do justice to the excellence of the British constitution was never to mention it without at the same time abusing every other constitution in the world. For his part, he had ever thought that the British constitution in theory was imperfect and defective, but that in practice it was excellently adapted to this country. He had often publicly said this; but because he admired the British constitution, was it to be concluded that there was no part of the constitution of other countries worth praising, or that the British constitution was not still capable of improvement? He therefore could neither consent to abuse every other constitution, nor to extol our own so extravagantly as the right honourable gentleman seemed to think it merited. As a proof that it had not been thought quite perfect, let the two only reforms of it be recollected that had been attempted of late years; the reform relative to the representation in Parliament of the right honourable gentleman opposite to him, and the reform in the civil list by his right honourable friend. Was it expected that he should declare the constitution would have been more perfect or better without either of those two reforms? To both had he given his support, because he approved both; and yet they were both tests, one to retrench the influence of the Crown, the other to enlarge the representation in that House; and would the right honourable gentleman say he was a bad man for having voted for both? He was, Mr. Fox said, an enemy to all tests whatever, as he had hitherto thought the right honourable gentleman was, and therefore he objected to every man's being expected to have his political principles put to the test, by his being obliged to abjure every other constitution but our own. Such a mode of approving one's zeal for the latter, reminded him of the man who signed the thirty nine articles, and said he wished there were an hundred and thirty nine more, that he might have signed them too, to prove his orthodoxy.— Nothing but the ignominious terms which his right honourable friend had that day heaped on him - [Mr. Burke said loud enough to be heard, that he did not recollect he had used any.] "My right honourable friend, said Mr. Fox, does not recollect the epithets, they are out of his mind; then they are completely and for ever out of mine. I cannot cherish a recollection so painful, and, from this moment, they are obliterated and forgotten." Mr. Fox then pursued his argument, and expressed his surprise that his right honourable

nourable friend had talked of the friends who sat near him as a phalanx, and as disciplined troops; if by that he meant that any improper influence had been exercised, or attempted to be exercised, on their minds, he disclaimed the idea; and indeed his right honourable friend best knew, so long as he had acted with them, when any such influence had been exercised over his own mind. He declared he could not but be sorry that such a character of a party, linked together on the most honourable principles, should come from one of their own corps. He had imagined, that his right honourable friend knew more of them than to impute such conduct to men of their description. The fact was, Mr. Fox said, that, upon his honour, no one of the honourable gentlemen near him, who had risen that day, and called his right honourable friend to order, had been desired by him to do so; on the contrary, wherever he thought he was likely to have his application complied with, he had earnestly intreated his friends not to interrupt the right honourable gentleman. He admitted that no friendship should exist in the way of public duty; and if his right honourable friend thought he did service to the country by blasting the French revolution, he must do so, but at the time, he must allow others, who thought differently, to act in a different manner. Mr. Fox alluded to what Mr. Burke had quoted from Montesquieu, and declared he agreed with Montesquieu in his observation on the British constitution, but could not admit that Montesquieu meant to say that it was a model for all other countries. If he referred to what had passed in 1780, the right honourable gentleman would say that he raked into all the transactions of his life; Mr. Fox declared he would not, unless it redounded to his honourable friend's honour, and to the glory of his character, and where could he find the incident that did not? In the year 1780, it had been the opinion of that House, "that the influence of the Crown had increased, was increasing, and ought to be diminished." His right honourable friend had agreed to that resolution, and thereby declared, that the constitution was not perfect without such reduction. Would he not grant to the French the same right that he had himself exercised? If the influence of the British Crown, which consisted in the civil list, in the army, navy, and the power of giving places and honours, was so great as to be thought dangerous, what, in the eyes of reflecting Frenchmen, must have been the extravagant influence of the Crown of France? With a civil list ten times as large as ours; with a navy almost as large; an army tenfold; a church more than tenfold; must they not, as we had done, pursue the course of diminishing its power? When, in addition to this, they had to deplore the degree of cor-

ruption

ruption and despotism into which the whole of their government had fallen, was it not right that they should endeavour to better their condition, and to extricate themselves from their misery and slavery? His right honourable friend had said, that they must not hear of the French constitution, because it was diametrically opposite to ours; how that could be, he could not easily comprehend. His right honourable friend had also asserted that evil must not be done, that good might come out of it; that must be left to God alone; what, Mr. Fox asked, did his right honourable friend think of the occasion of war? War, in itself, was certainly an evil, civil war a moral evil, and yet war was often commenced, that good might come out of it. If original rights were totally to be disregarded, Mr. Fox said, he should contend that the resistance of the Parliament to Charles the first, and the resistance of 1688, had been very unjustifiable; but the original rights of men were, in his opinion, the foundation of all governments, and all constitutions, which were a compact between the governors and the governed, binding on both sides. He would not say that the government of France was good; it was undoubtedly capable of improvement, and would be amended by degrees. How, he asked, did we make our own government? By sending to Greece or Rome for a pattern for our constitution? No! but by gradually improving our government, which was bad at first, and which grew better in proportion, as experience suggested alteration. The French would in time experience the defects of their government, and would have the same opportunities of correcting it.

With regard to his honourable friend's enthusiastic attachment to our constitution, in preference to all others, did he remember when His Majesty's speech was made in 1783, on the loss of America, in which His Majesty lamented the loss the provinces had sustained, in being deprived of the advantages resulting from a monarchy; how he had ridiculed it, and compared it to a man's opening the door after he had left a room, and saying, "at our parting, pray let me recommend a monarchy to you." In that ridicule, Mr. Fox said, he had joined heartily at the time. The French, he observed, had made their new government on the best of all principles of a government, viz. the happiness of the people who were to live under it. The French, it should be considered, were a great nation; they were inferior to England only, in arts, arms, the powers of reasoning, &c. Was it not joyful, then, that she should have cast off the tyranny of the most horrid despotism, and become free? Surely, we did not wish that liberty should be engrossed by ourselves. If his right honourable friend talked of light and shade, Mr.

Fox said, there was no shade so proper for the people of this country, as the departed despotism of France; of which, though no more in existence, we seemed still to be afraid; and the French themselves, from a dread of the return of the spectre, did many things which appeared extravagant and absurd to us, who were cool observers of the scene passing in France. A ludicrous image of this was given by the first of our dramatic poets, who makes Falstaff say, "I fear this "gunpowder Percy, though he be dead." The right honourable gentleman has said, that he shall lose my friendship, (continued Mr. Fox) but this I assure him he shall not lose. He has also said, he should lose that of the friends about him, because he stands up for the constitution of this country. I, however, hope that my friends are as fond of that constitution as the right honourable gentleman is, and that the example of France will make them cautious not to run into the same errors, and give the same provocation to the people. With regard to tests, Mr. Fox said, he would not believe his right honourable friend had altered his sentiments on that head, till he saw him voting for one. France had established a complete unequivocal toleration, and he heartily wished that a complete toleration was also established in England. Because troubles had happened at the time the French were changing their constitution, should we say that they would also happen in England, were any alteration made in our constitution? He must contend for the contrary; and as he thought that the British constitution was capable of improvements, so did he think the greatest improvements might be engrafted on it, by degrees, with success, and without any violation of the public tranquillity.

Mr. Fox said, he lamented the difference that had happened, but he hoped, that when his right honourable friend came to turn in his mind all the circumstances that had occasioned it, he would forget what was past. His right honourable friend had said, that if he were to quote some of his expressions on particular occasions, he could prove his inconsistency. Mr. Fox acknowledged that no Member of that House was more apt to let expressions fall which, perhaps were rash and imprudent, than he was. He knew he had done so; but his right honourable friend never let any thing fall but what did him honour, and might be remembered to his credit. Mr. Fox now proceeded to speak of the reasons which had induced the right honourable gentleman and himself to enter into a systematic opposition to the present administration, this was not, he said, for the purpose of obtaining power and emolument by the means of a faction, but he had ever understood they and their friends had formed a party for supporting the true principles of the British constitution and

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watching the prerogative. After expatiating on this, Mr. Fox said, "let the right honourable gentleman maintain "his opinions, but let him not blame me for having mine." He then noticed the cruel and hard manner in which his right honourable friend had used him, and spoke feelingly of the pain it had given him. The course he should pursue, he said, would be to keep out of his right honourable friend's way, till time and reflection had fitted him (Mr. Burke) to think differently upon the subject; and then, if their friends did not contrive to unite them, he should think their friends did not act as they had a right to expect at their hands. If his right honourable friend wished to bring forward the question of the French revolution on a future day, in that case he would discuss it with him as temperately as he could; at present he had said all that he thought necessary, and let his right honourable friend say what he would more upon the subject, he would make him no farther reply.

Mr. Burke

Mr. *Burke* said, that the tenderness which had been displayed in the beginning and conclusion of the speech, had been completely done away by what had occurred in the middle part. Under the mask of kindness for him, an attempt had been made to injure his character, and attack the whole of his public conduct. The event of this night's debate, in which he had been interrupted, without being suffered to explain, in which he had been accused, and had not been heard, made him at a loss now to understand what was party or friendship. He had, indeed, as had been alledged, proposed a reduction of the power of the Crown; but he had proposed it only so far as he considered it necessary; and though his views had not been complied with, no bad consequences had followed. In 1784, an attack had been made, not upon the form, but upon the spirit of the constitution. His opposition to this attack had not been single and unsupported. He had not, indeed, succeeded in procuring a remedy. He knew not, indeed, where the remedy was to be found. The evil arose from the people; and till they should be made sensible of the disease, how was it possible to apply the means of cure? He did not expect that his jests, that hasty or careless expressions should have been recorded against him, and mustered up in the form of accusations. And yet all this was done under the mask of friendship! He had been charged with inconsistency, but he desired that there should be shewn one word, one expression, one act or occasion, in which he had discovered the smallest inconsistency. It had been said, that the British constitution might in some points be amended. But had he ever affirmed that it, or any other human constitution, might not? It had been charged upon him, that he thought it necessary to abuse every other consti-

tution, in order to praise the British. But had he ever displayed any such spirit? On the contrary, he should never have thought it necessary to bring forward the French constitution as the subject of animadversion, had not attempts been made to introduce the monster into this country. He had heard the right honourable gentleman, who now appeared as so violent an advocate of the French constitution, say, that the King of France was the best-intentioned Sovereign in Europe. This King might now be said to be in jail. In consequence of his good nature, indeed, he had been ruined. He had gone on from concession to concession—from the grant of one indulgence to another, till at last he found himself deprived by his subjects of his own rights, thus holding out a memorable lesson to all Monarchs to be watchful in preserving their privileges, and cautious in guarding against the incroachments of their subjects Political truth, it had been said, gains by discussion, but it was surely not that sort of discussion which had taken place this evening, in which his facts had not been allowed to be produced, and his arguments had not been heard. A serious danger, as he had stated before, and would now repeat, was to be apprehended from the introduction of the principles of the new constitution into this country. If there should be formed in this country a party, however small, who might join with those abroad, what evils might not ensue? However small might be the party inimical to the constitution, in this country, yet they were not less to be dreaded; they would not want the support of numbers. The constitution of this country leans to Monarchy: It was necessary that all parts of it should be defended together. All the parts of the constitution had now been attacked. Libels were circulated against the constitution by Societies, who assumed the name of Constitutional. Nay, libels were circulated through the country in the name of the Crown, and under the pretended sanction of His Majesty's Ministers, and from that authority, recommended to the perusal and attention of the people. Such libels, issued in the name of the Crown, and eagerly devoured by the ignorant and hot-headed multitude, had been, in a great measure, the source of the evils in France, and their progress was to be guarded against in this country. The new constitution in France had been called a stupendous fabric of wisdom. He had thought that the right honourable gentleman had possessed a better taste in architecture, than to bestow this magnificent epithet on a building composed of untempered mortar. For his own part, when he saw the new temple, he wept. He considered it as the work of Goths and Vandals, where every thing was out of place, disjointed, and inverted. It had been said, that he did not love tests: yet, if his intimacy

macy should be renewed with the right honourable gentleman, he might explain to him, that it was necessary that some evil should be suffered in order to obtain a greater good. In France, it had been asserted by the right honourable gentleman, prevailed the largest religious toleration. It would be judged of what nature was that toleration, when it was understood that there the most cruel tests were imposed. Nay, tests were imposed for the most inhuman of all purposes, in order to deprive those of whom they were exacted of their bread. The treatment of the Nuns was too shocking almost to be mentioned. These wretched girls, who could only be animated by the most exalted religious enthusiasm, were engaged in the most painful office of humanity, in the most sacred duty of piety, visiting and attending the hospitals. Yet these had been dragged into the streets; these had been scourged by the sovereigns of the French nation, because the priest, from whom they had received the sacrament, had not submitted to the test. This proceeding had passed not only unpunished, but uncensured. Yet, in the country in which such proceedings had happened, had been said to subsist the largest religious toleration. The present state of France was ten times worse than tyranny. The new constitution was said to be an experiment; but it was not true. It had already been tried, and been found to be only productive of evils. They would go on from tyranny to tyranny, from oppression to oppression, till at last the whole system would terminate in the ruin and destruction of that miserable and deluded people. He stated that his opinion of the revolution in America did not at all militate with his opinion of the revolution of France. In that instance, he considered that the people had had some reason for the conduct which they had pursued. There was an expression of his, which had been taken exception at—"well-disciplined troops." He only meant that every body of men who acted upon a method, and in concert, were well disciplined. He was sorry for the present occasion. Sufficient to the day was the evil thereof. Yet let the evil be to him, if the good was to many. He hoped that they would not barter the constitution of this country, the eternal jewel of their souls, for a wild and visionary system, which could only lead to confusion and disorder. With regard to pretences of friendship, he must own that he did not like them, where his character and public conduct, as in the present instance, had been so materially attacked and injured. The French principles in this country, he had been told, would come to some head. It would then be perceived what were their consequences. Several of the gentlemen were young enough to see a change. They would be enterprising enough to act a part. It would then be seen, whether they

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would be borne on the top, or encumbered in the gravel. In going along with the current, they would most certainly be forced to execute and approve many things very contrary to their own nature and character.

Mr. Pitt. Mr Chancellor *Pitt* said he rose to take notice of the very extraordinary situation in which the House stood, but would say only a very few words; and indeed the only subject to which, as the question then stood, he could speak, was one which excluded him from going into any debate upon it. They had been engaged for some hours in an unfinished debate on a question of order, moved in the middle of the right honourable gentleman's speech, on the question of reading the clauses in the Quebec bill, paragraph by paragraph; and the question of order was, whether the right honourable gentleman should be permitted to go on in an argument on the subject of the French revolution, which he had begun, but had been frequently interrupted by having been called to order by different gentlemen on the other side of the House. The right honourable gentleman opposite to him (Mr. Fox) had spoken early in the debate on the question of order, and had given it as his opinion, that it was disorderly for the other right honourable gentleman to enter into a discussion respecting the late revolution in France; and yet the right honourable gentleman himself had, in his own speech, gone directly to that discussion, and the Committee had since heard two speeches from each of the right honourable gentlemen immediately upon the subject of the French revolution. For his own part, he had all along been of opinion that the right honourable gentleman who opened the first debate, had been strictly in order in introducing his opinions on the French revolution, when speaking on a subject of a constitution to be provided for Quebec, although he could not but think, that every asperity and censure on that event had, for various reasons, better be avoided. Circumstanced as the Committee then stood, he said, he felt a considerable degree of embarrassment; he did not think it consistent with decorum to move any amendment to the question of order, nor that any advantage was likely to result from taking the sense of the House upon it. The only adviseable thing to be done, was to withdraw it; but to that there was clearly an obstacle, though he hoped not altogether an insuperable one. It was usual, he believed, to obtain the consent of the mover of any question, previous to its being withdrawn; but in the present case, the noble Lord who had proposed the question had withdrawn himself. His having left the House, however, might be presumed to be a pretty strong implied consent on the part of the noble mover to its being withdrawn, and therefore he should suggest that measure. Mr. Pitt then re-

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curred to the first debate, and said, that upon the question whether the clauses of a bill be read paragraph by paragraph, any gentleman who thought the general principle of the bill, and the principles of the clauses, so objectionable, that they could not be so modelled and matured by correction in a Committee, as to be made fit to pass, was undoubtedly entitled to state his objections to the bill; and therefore he had thought the right honourable gentleman perfectly in order in the mode he had adopted; but it had been supposed that he had given an opinion that the right honourable gentleman's arguments and doctrines were not to be supported either by him, or any of those honourable friends who generally voted with him. Now, it was to be recollected, that he had declined giving any opinion whatever on the subject, and had carefully avoided doing so, declaring that he did not think it proper for him, in the situation in which he stood, to enter into discussion of an opinion on the constitution then forming in a neighbouring country. With regard to what the right honourable gentleman had said of a misrepresentation by him of that right honourable gentleman's words in a former debate on the Quebec bill, if he had given any misrepresentation of the right honourable gentleman's speech, he had given it in the right honourable gentleman's own words, and in his presence; if, therefore, he had mistaken or mistated any thing the right honourable gentleman had said, it had been in his own power to set him right at the instant, and not let a wrong impression of his words go abroad. The fact was, that in discussing the subject of the new constitution for Canada, he had suggested his intention to propose, as the bill in fact did provide, an hereditary Council, in imitation of our House of Lords; whereas the right honourable gentleman had suggested that, in his opinion, an elective Council would be preferable; and, as the right honourable gentleman had just been talking of the Governments of the Independent and United States of America, which were Republics, he (Mr Pitt) had conceived that the right honourable gentleman was inclined to think, that a greater infusion of republican principles into the new government of Canada would be better adapted to that province than a constitution more exactly similar to our own; and therefore, in his reply he had given his sentiments against any greater infusion of republicanism into the new constitution of Canada than at present subsisted in the British constitution. That was precisely what he had said, and that, he conceived, was no misrepresentation of the right honourable gentleman's speech. As to the publications which the other right honourable gentleman had stated to have been disseminating throughout this country, with a view to extol the French revolution and its

consequences, and to induce the people to look into the principles of their own constitution, he did not venture to think that there might be no danger arising from them; but when he had said that he saw no cause for immediate alarm from them, it was because he was of opinion that they were the less dangerous at that time, since he could not think the French revolution, or any of the new constitutions, could be deemed an object fit for imitation in this country, by any set of men, or that such an attempt should ever be made— There was such a fund of good sense in that House, and such a love for the constitution implanted in the minds of the people in general, that he saw no reason to apprehend any one revolution in this country. But although he was not desirous of going with the right honourable gentleman in his comments on the French revolution, and little apprehensive as he was of a similar revolution taking place in this country, yet he agreed with that right honourable gentleman, that our own constitution was inestimable; and that not only no other constitution was preferable, but that no other whatever, as adapted to the genius of the people, and the security of popular freedom, would bear a moment's comparison with it. The right honourable gentleman, he observed, had intimated that he was to receive no support from him, nor from any near him, in his arguments that day; the fact was, he said, that they had not got so far into the debate, that it was possible for the right honourable gentleman to have heard from him, or from any of his friends, whether they meant to support him or not. He had already declared that, for various reasons, he did not wish to enter into any discussion on the subject of the French revolution; and if, hereafter, there should appear more serious ground of apprehension, that there was any design to subvert our constitution, and that ground should be stated by the right honourable gentleman, he should not only receive his warmest and most effectual support, but no gentleman, who thought as he did, he was persuaded, would refuse his support to the right honourable gentleman. He thought the right honourable gentleman entitled to the gratitude of his country, for having that day, in so able and eloquent a manner, stated his sense of the degree of danger to the constitution that already existed, and did assure him, that although he was of opinion that our constitution was capable of gradual and temperate melioration and amendment in some few of its principles, yet so fully and perfectly was he persuaded of its being preferable to that of any other constitution in the world, that he would cordially co-operate with the right honourable gentleman in taking every possible means to preserve it, and deliver it down to posterity, as the best security for the prosperity, free-

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dom, and happiness of the British people. In the course of his speech, Mr. Pitt hinted that it would be impossible for them, at that late hour, to go into the discussion of the clauses of the bill.

Mr. Fox.

Mr. *Fox* immediately rising, acknowledged that the right honourable gentleman had given a pretty fair account of what had passed the other day upon the Quebec bill, and he was obliged to him for having explained his meaning. In the proposition of having the Council elective rather than hereditary, he declared he did not think there was any thing like instilling republican principles into the new constitution for Canada; of which, he was satisfied, he should be able to convince the right honourable gentleman who had just sat down, as well as the right honourable gentleman near him, when they went into the debate on the clauses of the bill. When that day came, Mr. Fox said, he hoped the right honourable gentleman near him would come down to the House and join in the debate, as he was anxious to get to practice from theory; and whatever the right honourable gentleman himself might think, all his arguments that day had been mere theories, and nothing else. Mr. Fox declared he was not to be imposed on by sounds, so as to be startled at the name of republican principles; there was in our own constitution something of those principles, inasmuch as that House was elective; but it was on account of the bad use of the word "republican," and the purpose to which it might be converted, that he had been anxious to have his former arguments explained. They all knew that the word "republican" was a watch word, always unfairly applied to any man, when the object was to run him down, and exasperate the country against him. He should, therefore, be glad when they came into the clauses of the bill, because professions of principles were at all times odious to him: and indeed every body might know his principles from his political life, having never attempted or wished to disguise them. When, however, they came into the debate on the clauses, he should state his reasons why he preferred an elective to an hereditary Council for Canada, and he flattered himself, not altogether without success.

It was then moved, "That the Chairman leave the chair, "and ask leave to sit again."

Mr. Pitt.

Mr. Chancellor *Pitt* wished to know what day would be agreeable for the Committee to be resumed, and at length Wednesday next was agreed on.

The House adjourned.

Monday, 9th May.

Mr. Yorke.

Mr. *Yorke*, in conſequence of the notice given on Friday, roſe to make a motion for leave to bring in a bill to enable the judges to ſend and receive letters free of poſtage. This motion he founded on two grounds; 1ſt, The dignity of the judges which entitles them to every mark of conſideration; and, 2ndly, Their having frequent occaſions, particularly on the circuits, to ſend and receive letters on public buſineſs. He ſpoke with great reſpect of the characters of the preſent judges, and ſaid, that from the dignity of their office, their elevated rank, and a variety of other conſiderations every poſſible mark of diſtinction ſhould be paid to them. He mentioned, that the commander in chief, the adjutant general, and other military characters poſſeſſed the privilege, and therefore it appeared the more ſingular that the judges, to whom a variety of letters of an official nature were neceſſarily ſent, ſhould not have had the privilege extended to them. Mr. Yorke ſaid, it might happen that a Lord Chancellor was not a Peer, and the Maſter of the Rolls might not be a Member of Parliament, and yet their correſpondence on official ſubjects might be extremely extenſive; the propriety therefore of giving them the privilege of receiving letters free, and franking their own letters, ſeemed to him to be ſo obvious, that he could not foreſee any objection to his motion. The only objection that could poſſibly be made to it, was, on the ſcore of revenue; but that conſideration would not, he conceived, weigh much againſt a propoſition by which the revenue would be ſo little affected. He concluded with moving, "That leave be given to bring in a bill to enable "the Lord Chancellor, Lord Keeper, or Commiſſioners for "executing the office of Lord Keeper of the Great Seal of "Great Britain, the Maſter of the Rolls, and the twelve "Judges of England (for the time being) to ſend and re- "ceive letters and packets free from the duty of poſtage."

Mr. Chancellor Pitt ſeconded the motion.

Sir John Sinclair.

Sir *John Sinclair* did not riſe to oppoſe the motion, but to ſuggeſt the propriety of extending the bill to the Judges of Scotland. In point of revenue, Sir John ſaid, the difference could be no object, and the principle was the ſame in reſpect to both parts of the kingdom.

Lord Advocate.

The *Lord Advocate* ſpoke a few words in ſupport of Sir John Sinclair's propoſition.

Mr. M. A. Taylor.

Mr. *M. A. Taylor* ſaid, he was extremely ſorry to find himſelf obliged to differ from the learned gentleman who made the motion, and the right honourable gentlemen who ſeconded it. He knew and felt how extremely unpleaſant it was for any man to oppoſe a motion which profeſſed to have for its

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object the doing honour to men of such high and respectable characters as the present judges, but much as he regretted it, his duty must be performed. He greatly feared that the principle of the learned gentleman's bill, if extended at all, must be extended much farther than either the learned gentleman, or the right honourable gentleman, meant it to be. The privilege of franking he had ever understood to be the exclusive privilege of Members of the two Houses of Parliament, and if it were extended to judges on account of their official characters, he saw not where to draw the line: justices of the peace and various other descriptions of men, connected with judicial proceedings, would naturally expect and claim the same privilege. He had, about five years since, paid particular attention to the subject, and therefore he spoke from information, when he asserted that scarcely any one of the Judges paid above three pounds per annum for the postage of letters, packets, &c. He stated the cases in which a Judge might be imagined to hold an official correspondence. Suppose, for instance, that a Judge leaves a certain number of convicts under sentence, and application is made to him by letter in favour of any of them, in that case the Marshal or proper officer pays and charges for all such letters.

Again, if a Judge had occasion to correspond with the Secretary of State, the Secretary of State sends an answer free. Let them look to the case of the Lords of Session, the Lords Justices, the Welch Judges, and a variety of others who had, at least, as good a claim to the privilege as the Judges. Did any man think of giving the privilege of franking to the Sheriffs for the time being, and yet Sheriffs had a vast correspondence in consequence of their office. No Judge, he was sure, paid more than 5l. a year in the whole for postage. Let gentlemen recollect the large addition made some years ago to the salaries of the Judges. Neither of the Judges received less than a net 2000l. a year, and some of those belonging to the King's Bench more for affidavits, &c. With regard to the point of dignity, did it add at all to the dignity of Members of Parliament to have the privilege of writing their names on a piece of paper. No man, he believed, would say it did: he begged the House, therefore, would a little consider, whether if the privilege of franking were extended to the Judges, it might not likewise be extended to Masters in Chancery. Mr. Taylor concluded with saying, that he would not declare it was his intention to oppose the bill in all its stages, but he wished to have the question considered abstracted from the characters of the present Judges, whose conduct and respectability would command almost any thing.

Mr. Yorke. Mr. *Yorke*, in reply, said, he should be extremely sorry if, in consequence of any motion of his, any thing prejudicial to the Judges should be suggested. With regard to the observations made by different gentlemen, it would be time enough when the bill should be brought in, and to go to a Committee for the House to adopt any alteration or amendment that they thought proper.

Mr. Pawlet. Mr. *Pawlet* said, the privilege of franking should certainly be confined to the Members of the two Houses of Parliament.

Mr. Baker. Mr. *Baker* thought that, in the present state of the revenue, no measure tending to abridge its receipt should be adopted: as it was, the privilege of franking, as they all knew, had gone to a very scandalous length.

Mr. Pitt. Mr. Chancellor *Pitt* said, that if the honourable gentleman could point out a remedy for the abuse he complained of, it would be thankfully received; but many inconveniences were known of, which it was easier to mention than to remove. With regard to the motion, he did not think that when it came to be stated as a question, whether the Judges of England were not as fair objects for the distinction of the privilege of franking as any other description of men, that there could be any possible objection. In a pecuniary point of view the matter was merely of so trivial a consideration, that it was no object.

Sir Adam Ferguson. Sir *Adam Ferguson* declared, he had not meant to say a word on the subject; but if the matter was trivial in point of pecuniary view, and merely to be considered as a mark of dignity and distinction, he saw no reason why the Judges, in both parts of the kingdom, should not be put on a footing, as their rank was equal, and their avocations similar.

Mr. Burden. Mr. *Burden* did not think, in the present situation of the revenue of this country, that any extention of a privilege likely to diminish it would be prudent.

Mr. Fox. Mr. *Fox* observed, that if it was merely on the score of distinction that the privilege of franking was wished to be extended to the Judges, it ought to be remembered that the Archbishop of Canterbury, and some of the highest characters in the country, had not the power of franking their letters during the interval between a dissolution of a Parliament, and the choice of a new one.

Mr Yorke. Mr. *Yorke* spoke of the nature of the correspondence which the Judges had, and observed, that it was not very usual to object to a motion for leave to introduce a bill; he hoped, therefore, that gentlemen would suffer the bill to be brought in, and debate it when there was a fuller attendance.

Mr. Martin. Mr. *Martin* said, that so far from wishing to extend the privilege of franking, he wished to see it contracted, being

certain that it was shamefully abused. The advantage of corresponding with the most distant parts of the country, at so small an expence, was so great, that he thought no person ought to refuse to pay for it. Besides, it was almost always for the benefit of the rich, and those who could well afford to pay, that the privilege was exercised.

Mr. Hussey.

Mr. *Hussey* declared, that the privilege of franking was a privilege of which he was ashamed, and had rather be without. He could not, he said, agree to accommodate the rich at the expence of the poor.

The House divided;

Ayes, 38; Noes, 52.

Tuesday, 10th May.

Sir Gilbert Elliot.

Sir *Gilbert Elliot* moved that the petition from the General Assembly of the Church of Scotland, and the act of 25th of Charles II. cap. 2. might be read; and they were accordingly read; upon which he rose, and begged to state the origin of the petition, in order to do away every opinion that the present application had arisen from party or political views: it had originated, he said, from the suggestion of an individual in Scotland, a private character, but highly respected, who was a man of learning, of abilities, and esteemed for his private worth; he was a Minister of the Kirk of Scotland, biassed by no party motive, but liberal and unprejudiced, attached to toleration and to religious liberty, who had been induced to submit the proposition he had made to the General Assembly of the Kirk of Scotland, in consequence of an observation on the last debate for the repeal of the test act. In that debate he had observed, that the objection to the repeal was most forcibly urged, upon two grounds, which appeared to him to be conclusive in favour of an application from the professors of the doctrines of the Kirk of Scotland, to be relieved from the English test; and thinking it a favourable opportunity to be embraced for an application, he communicated his opinion to another clergyman of the kirk, and with him drew up an overture, and presented it to the General Assembly. That overture met with the reception it merited, an ample discussion; the result of which was, as might be expected, an unanimous approbation of referring it to the General Committee to carry into effect the application the House had just heard read.

The honourable Baronet argued from the unanimity of the General Assembly; which he stated to be a conclusive proof that the question was not a question of party, but that it rested wholly on its own merits. The application was couched in the most respectful terms; and though they had

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had many opportunities to join their cause to the cause of persons of a different description, they had avoided such connection, and confined their representation to their own grievances, concluding their application with as little agitation to the public mind as possible. He was aware that it might be urged against the application, that the Assembly of the Church had travelled out of the strict line of their duty, in representing what might be considered a civil grievance; but he contended that it was a religious, as well as a civil grievance; for both could not be enjoyed by professors of the Kirk; if they enjoyed the civil, they must abandon the ecclesiastical; and if they enjoyed the ecclesiastical, they must abandon the civil, or render themselves liable to the penalties of not complying with the test. Their application for redress of this civil grievance, interwoven with the ecclesiastical grievance, was, in his opinion, a preferable mode to the convening county meetings to co-operate with them, since it shewed their moderation, and was an additional proof that they were not urged on by party motives.

Sir Gilbert stated, that the Committee had applied by letter to the Minister, and to another right honourable gentleman in the House (the Lord Advocate) but had not from the former received any answer, though from the latter they had received a discouraging one; this discouragement he did not expect to hear urged against their pressing their application, as offensive to the House, for the right of any of His Majesty's subjects to petition against a grievance, depended not upon the approbation of Ministers, or any man.

Having thus adduced convincing proofs that the petition had not its origin in party, the honourable Baronet next begged to assure the House, that he himself had not undertaken the conduct of it from any party motives; for though he was not ashamed of avowing his attachment to those gentlemen with whom he had the honour to act, in the present instance he was actuated by no party views whatever. He lamented that the subject had not been taken up by some other gentleman, that it might have been handled with greater ability than he could pretend to; but having taken it up, he would exert himself to the utmost, being a well-wisher to that part of the country from whence the application came. It would be unnecessary, he said, for him to enter, at any length, into arguments in support of the motion he should submit to the House, as a similar subject had been some time since fully discussed; and it was less necessary now to enter into any length of argument, since, in the present session, by a bill that had gone through that House (the Roman Catholic bill) a proof had been given to the world that they possessed tolerant and liberal opinions. He would there-

therefore, in what he had to say, confine himself to two principles, which he should lay down as the foundation of his motion; in support of which principles he was almost ashamed to offer argument, they being in the present enlightened day, universally admitted. The principles were, first, that religious persecution was now disclaimed in all parts; and secondly, that pain, or restraint, was unjust for religious opinions, merely considered as such. Those few, he said who still retained any particle of the spirit of religious persecution, were obliged to shelter their opinions under civil policy, and the public good; for the true spirit of religion was now too well known to suffer the spirit of persecution to appear; and the attributes of the divine goodness were also too well known for an idea to be entertained that merit would be found in his sight by our afflicting each other. By authority, men might be induced to disguise their opinions, but authority had no hold over the mind. Persecution, he observed, had made hypocrites and martyrs, but never yet made a convert. Open persecution was now unknown, but its smaller branches were [illegible] occasionally under a provision for public safety, into the justice of which principle he would not then enter, as it was immaterial to his object; on the contrary, he would admit, for the sake of argument, that it was a right in Government to lay them under civil restrictions for religious opinions; in return for which he should ask to have granted to him, that a government had no right to persecute for religious opinion, but when those opinions were known to be dangerous to the State.

It was not his intention, Sir Gilbert said, to enter into a discussion of abstract right; on the contrary, he should carefully avoid such discussion: he was warranted, however, in contending, that no citizen whatever ought to be abridged of his rights in any case but of absolute necessity; when that necessity ceased, the restriction becomes oppression. It was not the business of any one to prove that he ought not to be restricted in his right, the *onus* lay on the other side, for the necessity ought to be proved by those who imposed the restriction. On the two propositions which he had stated, he rested his cause, and would only assert, shortly, that Scotland was restricted of rights without any ground to prove that the possession of those rights were dangerous to the state; and that she was abridged of the privileges without any ground of necessity. By law and by treaty, Scotland had a separate church, and a separate religion, essentially different from the church of England; by the Treaty of Union the subjects of both countries were to have a free communication of right throughout the whole united empire: but

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how had they such free communications of right? If the test act was suffered to apply to the Members of the Kirk of Scotland, they were injured in both their civil and religious rights, for they could not enjoy both. Here the honourable Baronet said he stood upon ground, and called upon his adversaries to prove that Scotland had not a right, both by treaty and by law, to enjoy her civil and religious privileges in equal participation with the subjects of England. It was a natural and a laudable ambition, he said, to be desirous of taking a part in the affairs of our country; it was an ambition that ought ever to be encouraged, for by that ambition was produced the activity and energy essentially necessary for the public good. Where, he asked, was the justice or the policy of any government to require of a whole people, a sacrifice of such ambition? Where was the policy of prohibiting a whole race of men from fighting our battles, or taking an active part in our Councils? But such was at present the case; and gentlemen who were members of the kirk, after having served their country with fidelity and honour, and after having bled in her cause, were liable, upon their return home, to be ruined by fines, and to be subjected to punishments fit only for felons.

He would not, however, Sir Gilbert said, waste the time of the House by stating what might happen, but would remind them of what had actually happened; he then stated the historical fact of the defenders of his late Majesty's cause in Scotland, who had bled in that cause, having been under the necessity of being included in the general pardon to the rebels. The injustice he had already stated, he said, in his opinion, entitled him to say he had made out his case; but he would proceed somewhat farther, and look for every objection he conceived likely to be made to his motion. It was, he said, chiefly depended upon in opposition to the application of the Dissenters; first, that a religious establishment was necessary in the constitution of the country: and, secondly, that the safety of the constitution depended on the maintenance of that establishment, and that it was dangerous to admit those to places of power who held opinions contrary to the established religion. Neither of these objections could apply against the present application; they had the direct contrary tendency. Sir Gilbert professed himself to be a hearty friend to the establishments in both countries, and declared, he would ever oppose an attack on either, being convinced, that they could not be successfully attacked without danger to the constitution, and injury to both countries. But in agreeing that religious establishments were necessary, he contended that the establishment of the Kirk of Scotland,

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was a part of the religious establishment of this country: if, therefore, those who were employed in the service of England, and professed its establishment, were called upon to take the test of their church; those who were members of the Kirk of Scotland, and likewise in the service of their country, ought not to be called on to perform an act of departure from the forms of their church. The argument against the Dissenters of the danger of admitting those into power who were of opinions hostile to an establishment, could not be urged against Scotland, they having an establishment of their own; if it was necessary for the safety of the established church of England, that none but its professors should be admitted into office the same safeguard might be claimed with justice for Scotland; and her established church being part of the established religion of the country, a test to that establishment ought to be deemed equally sufficient. The objection made to the repeal of the test act in favour of sectaries, namely, that they would be attempting more and more for the purpose of overthrowing the establishment and erecting another, could not, Sir Gilbert said, apply against Scotland, for if the toleration they prayed was granted, they could ask no more, having already an establishment by law. He said, it might be argued that the hands of the House were tied up, by the treaty of union, from granting the prayer of the application, but this he denied, declaring it to be left open by the act of union to the wisdom of future time; he should, however, if the articles of union had been explicit upon the point of establishing the test, deny that in consequence it must remain so, when a case of justice and advantage to Scotland was made out, for it not to be so continued; his proposition however was, that there was nothing in the treaty precluding the House granting every thing now asked, to prove which he would read the particular clauses. Sir Gilbert having read three or four clauses to prove that the matter was left completely open, entered into a detail of several historical facts of the proceedings of the Scotch and English Parliaments, from which he drew a conclusion, that the exemption from the test was considered to be contained in the treaty. Propositions were made, he said, in the Scotch Parliament, prior to the union, to insert in the articles, provision for an exemption against the test act, which propositions had been negatived: An exemption was however made in Scotland, from all future tests: by which it was plain they did not mean to renounce the exemption from tests in other parts: The delicacy of the times rendered it adviseable for them to abstain from explicit declarations, but it was evident and clear to him that they had left it open to the construction of future

reason and justice. The Parliament which negatived the provision for the exemption, were known to have gone upon the idea that it had been provided for in the articles as they stood; and the same opinion had been acted upon by the British Parliament. The question therefore turned again upon its original ground, namely, was it politic, or was it just to disfranchise, and disable from serving in military and other offices, a race of men, merely because they were attached to the religion in which they had been bred, and which was secured to them by law and by treaty? Sir Gilbert Elliot concluded with moving, "That the House immediately resolve "itself into a Committee of the whole House, to consider "how far the provisions of the said act, which require persons holding any office, civil or military, or any place of "trust under the Crown, to receive the Sacrament of the "Lord's Supper, according to the usage of the church of "England, extend, or ought to extend to persons born "in that part of Great Britain called Scotland."

Mr. Francis seconded the motion.

Mr. Pulteney.

Mr. *Pulteney* was of opinion that the motion made by the honourable Baronet was of a very different nature from that for the repeal of the test act in England. He observed, by the treaty of union two national religions were established; and he was persuaded it never was the intention either of the people of Scotland or of England, that the members of the church of Scotland should take a test. The proceedings on that subject about the time of the union, had been very fairly and very accurately stated by the honourable Baronet. If the test had been made a part of the treaty, the union could not have been effected, and therefore it was allowed to lie dormant. But the church of Scotland was one of the two established religions in this country, and its members were entitled to all the privileges of the members of the church of England. It was impossible, however, to reconcile that idea to the test act. If it was a matter that was dangerous, and that ought not to be granted, in God's name, Mr. Pulteney said, let the petition be rejected; but if it were a measure perfectly innocent, if no evil or mischief whatever could arise from it, why should it not be granted? If the question had nothing to do with the test act, but if it remained as it was, in that case he should think it right to go into a Committee on the petition, and consider how far the prayer of it could, with propriety, be granted. Mr. Pulteney said, the arguments against the repeal of the test act were chiefly two. The one was, that there was a hazard in admitting those persons into offices and places of trust, who did not conform to the rites of the church of England; and the other

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was, the danger that might arise from the corporation act being enforced. These two acts were not taken separately, but together. Neither of those arguments, Mr. Pulteney contended, applied to the present case, for the members of the church of Scotland were not sectaries, but were members of a church, established by law as much as the church of England was, and consequently they were equally well qualified for offices and places of trust. Secondly, with regard to the corporation act, there was no proposition before the House. It came then, Mr. Pulteney said, to this very short proposition, namely, the church of Scotland and the church of England, being equally established by law, and both being equally the national religion, whether, under these circumstances, the members of both churches had not an equal right to the participation of every privilege and advantage? as to the Scotch Clergy, he joined with the honourable Baronet in bearing testimony to their worth, learning, and abilities. They had always shewn themselves attached to the Government, the constitution, and to general liberty. They were, in general, men of independent spirit too, and not subservient, as was sometimes said of the English Clergy, to those who were in power. He therefore thought they were entitled to the panegyric which the honourable Baronet had made on them, and that their petition should be treated with respect by the House.

Lord Advocate for Scotland.

The Lord Advocate for Scotland said, he thought it his duty to rise, though he did it with reluctance, in order to deliver his sentiments on the subject. He paid great respect to those who had gone before him, and certainly agreed most heartily with them in all the praise they had bestowed upon the Scotch Clergy, whom, from his knowledge and experience, he believed fully merited all that had been said of their learning, integrity, and abilities. The honourable Baronet had wished the House to think that in bringing forward the motion of this day, he was not actuated by party motives; he, for one, from his knowledge of the honourable Baronet, would readily acquit him of any such intentions, and trusted that the House would consider him, in whatever he might say in opposition to the motion, to be equally uninfluenced by motives of that nature. In arguing this subject, which he would do as shortly as possible, he must begin by stating, that since the union, a period of eighty years, no application of this nature had ever been judged necessary to be presented to Parliament, till the last meeting of the General Assembly of the church of Scotland, although that Assembly had regularly met in the month of May every year during that period; this hasty manner of proceeding, in a matter of so much im-

portance, and which had been so long known to exist, without even a supposed grievance, till for the first time it was stated, last summer, was certainly one reason, if there were no others, why he would oppose going into the Committee now; because he thought the subject required much more serious consideration and discussion, than it had yet received even in the General Assembly itself, before it became Parliament to determine upon the propriety or impropriety of the measure proposed. Much stress, he said, had been laid upon the unanimity which prevailed on this subject, among the clergy of the church of Scotland; but he denied that it existed; and he begged leave to remind the honourable Baronet that, in the Committee, appointed by the general Assembly, which no doubt consisted of men, who, for integrity, learning, and genius, were the fittest to be upon such a Committee, so far were they from being unanimous, that there were nine for this application to parliament, and eight against it; he thought was another very strong reason why the House should not proceed rashly. He must likewise say, that considering how soon the ensuing Assembly were to meet, it would have been much more decent, had the Committee presented their report to them, and waited till the subject had been more fully considered, before this application was made to Parliament: which he consequently opposed as premature, improper, and not even consistent with the unanimous wishes of the clergy of Scotland, as had been stated. Had there been only the diversity of opinion he had mentioned in the Committee, that was a sufficient cause for referring the subject again to the General Assembly, where its nature was best understood, and having it properly investigated, the grievance, if any, clearly pointed out, the proposed redress distinctly stated, and the whole system completely ripened, before any application of this sort was carried to Parliament, without their consent; which he must think to be the case, knowing that a variation of opinion does exist amongst the Clergy, and on this ground, the Lord Advocate said the motion should have his decided opposition.

With regard to the treaty of union, and what had been said about our ancestors not wishing to press these questions at that time, he must beg that gentlemen would recollect the situation in which the commissioners, who settled that treaty, were placed; they had no discretionary power to interfere or not, in settling the establishments of the two churches; on the contrary, they were on both sides totally excluded, the English commissioners by an act of the English Parliament, and the Scotch commissioners by an act of the Scotch Parliament, from entering at all upon the discussion of any difference,

differences with respect to religious establishments in either kingdom; and for this very plain and wise reason; that many schemes had been thought of on this subject, previous to that period, which had proved abortive, and prevented the union that was so much desired between the two kingdoms, which made all wise men think, at that time, that such attempts had been, and would be, the rock on which we split. Nothing, in either the 4th or 25th articles of the union, could, in his mind, apply to the reasoning which had been made use of that day; and the commissioners for settling the treaty of union having no power to interfere with the test act at that time, the wisdom of the two Parliaments having declared it dangerous to the object in view, they could not make any proposition to that effect, nor had it ever been thought necessary to make any since. As to an equal participation of civil rights and privileges of Scotchmen going to England, and Englishmen going to Scotland, he believed, no body would say that it was not fully enjoyed, although nothing respecting the test act was comprehended in the treaty of union. He therefore never could agree to this application, unless some necessity for it was shewn, or the existence of grievance somehow proved. As to civil offices, he believed, few would say that the Scotch were not admitted to their full share of them; indeed the reverse was much oftener insinuated. He would follow the example and the wisdom of his ancestors, by avoiding all discussion of differences on opinion that could produce no good effect; and owned he was fully content with the acquiescence which the church of England gave to Scotchmen, enjoying offices, by not requiring tests. He had only one more observation to make before he sat down, and that was, that the laity of the country had not been consulted, nor had they made any complaint of grievances; a circumstance which would weigh strongly with him, even if the Clergy were unanimous in their opinions concerning it. He disapproved of taking up this matter, after eighty years experience had taught any such interference unnecessary, and concluded by giving his hearty dissent.

Mr. Anstruther.

Mr. *Anstruther* rose to say a few words in reply to what had fallen from his honourable friend, who spoke last. With regard to the opinion of the clergy being unanimous on this subject, however the Committee might differ about the mode of application for redress, certainly the General Assembly was unanimous as to the grievance; which a reference to the petition on the table would clearly shew, as it contained a copy of the resolution which the Assembly came to upon that question. The Committee themselves had no difference on

on this point, nor had they any power to give an opinion upon it, becauſe the order of the General Aſſembly referred only to them the mode of obtaining redreſs, and a majority of them had thought the beſt way was by an application to Parliament, which they had adopted. The General Aſſembly had determined the queſtion of grievance, which his honourable friend was anxious to avoid a diſcuſſion of; becauſe, he ſaid, Scotchmen enjoyed their civil rights and privileges to any extent in England, by the ſilent acquieſcence of the church, and without interference; but that he thought was little to the purpoſe, for the fault was on the ſtatute book. Why will you have laws which you are obliged to ſuſpend by an annual act of Parliament, or rather by ſuſpenſion from ſix months to ſix months? It is true that Scotchmen may be in civil and military offices in England; but ſtill this act hangs over them, and they only enjoy ſuch, without the teſt, by the indulgence of this uncertain act of ſuſpenſion. His honourable friend had rather miſtated the act of the two Parliaments of England and Scotland, impowering commiſſioners to ſettle the articles of union; the act of the Engliſh Parliament only excluded them from entering into any diſcuſſion relative to alteration of the liturgy, rites, or ceremonies of the church of England, and certainly this could not include the teſt act, which concerned neither the liturgy, rites, nor ceremonies of any church. Before the union, Scotland had nothing to do with the teſt act, while they did not go into civil or military ſituations in England, and certainly in their own army or navy they had nothing to do with it.

He argued that no power of the commiſſioners, nor any article of the treaty of union, had confirmed the teſt act as an unalterable immutable law, which his honourable friend had ſtated it to be. The act of the 13th Eliſabeth, with regard to the church eſtabliſhment, and the act of ſucceſſion in Charles the Second's reign, were certainly confirmed by the treaty of union, and was unalterable, and to continue for ever; but would his honourable friend ſay the ſame of the teſt act, which was altered every year, which was a direct contradiction to any ſuch idea. The teſt act, he ſaid, never was made to protect the church of England againſt Preſbyterianiſm, but againſt the Papiſts. After ſome obſervations upon toleration, Mr. Anſtruther concluded, by ſtating it to be the intention of the treaty of union, to give to the ſubjects of both kingdoms a full and equal participation of all civil and military rights and privileges, and therefore he wiſhed to go into the Committee as the moſt proper way of diſcuſſing the ſubject fully.

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The Master of the Rolls rose to oppose the motion, and entering into a long train of legal arguments, considered it as a demand that the House ought not to comply with. He said, he looked upon the subject to be of as great importance, as gentlemen on the other side seemed to do; but he thought any attempt to repeal the test act, as far as it regarded members of the church of Scotland, an infringement upon the treaty of union, and therefore reprobated the doctrine laid down that day. The learned gentleman, who had spoken last, seemed to think it might be altered or repealed at any time; he wished to know, if he had the same opinion of the act 13th of King William. In his own opinion, after the treaty of union, both were irrepealable. When the act of occasional conformity was repealed, two clauses were proposed to be introduced for protecting Scotland from the effect of the test act, but were negatived. The Master of the Rolls went through the history of the times, just before the act of union was effected, and mentioned the part taken on that occasion by Lord Cowper, who was Lord keeper of the seals at the time; deducing from the whole, that the matter had been maturely weighed originally, and ought not to be changed without some very strong case, indeed, could be stated to induce the House to entertain such an idea. He however, allowed that the Scotch clergy deserved all the praises that had been bestowed on them.

Master of the Rolls.

Sir *Adam Ferguson* rose to take notice of the expression of the honourable and learned gentleman, who had just sat down, who had called the application a demand. A demand made in a disrespectful manner, Sir Adam said, he always would resist; but he must beg leave to differ a little from the honourable and learned gentleman on the present occasion; for there surely was nothing peremptory or disrespectful in the present application. Sir Adam then proceeded to declare that he was as little influenced by party motives as any of his honourable friends who had spoken; and thought it his duty to speak upon the question which had been so ably treated by the honourable gentleman who brought it in. His honourable friend opposite to him (the Lord Advocate) had said that the laity of Scotland had not been consulted, nor had they complained; and that their opinions ought to have considerable weight, even if the clergy were unanimous. From the very constitution of the General Assembly, he imagined that a very great and a very well informed part of the laity had an opportunity of discussing and giving their judgement upon this measure. He was not a Member of the General Assembly himself, but he knew that many respectable gentlemen in that House, and belonging to Scotland, were Members of it. There certainly were settled by

Sir Adam Ferguson.

the treaty of union two distinct churches for Scotland and England; but he did not believe, that any man would say there were two different religions established in Great Britain. The fact was, that their doctrine was the same, and the only difference was in ceremonies, and the form of church government; and he contended, that the Members of both churches were equally entitled to the benefits of the union, without renouncing the established religion of the country, in which they were bred; for certainly it never could be meant that a man should be debarred from civil offices in any part of the country, because he did not take the test imposed by another part of the country, which he could not do, without renouncing the religion he had been brought up to. All the meaning of a qualification, he considered to be a solemn declaration, that he does belong to the established religion of the country, and is intended as a check on Popish recusants, and not on Presbyterians. With regard to the test act, he said, Scotland had nothing to do with it before the union, for then Scotland was a kingdom, as foreign as any other to England. The Scotch had no tests, and wisely avoided them, yet his honourable friend, from his official situation, must be a Member of the General Assembly, and must there make a solemn declaration, (stronger, in his opinion, than an oath) that he belonged to the church of Scotland, and would adhere to its doctrines and discipline. Now, if his honourable friend was to be appointed to any official situation in this country, he must take the sacrament according to the rites of the church of England; and it perhaps might, to him, be a difficult situation to be in. For his part, he could see no objection to communicating with the church of England, though he had been bred to the church of Scotland; but neither he, nor, he believed, his honourable friend, would chuse to make a solemn declaration that they belonged to a church, which they had before made a similar declaration they did not belong to. The honourable Baronet concluded his speech with some farther observations on the treaty of union.

Mr. Dundas.

Mr. *Dundas* said, he could not give a silent vote on a motion to which, though made in consequence of an application from a body of men whom he had long known to be persons of the most worthy character, respectable for their learning, and the purity of their lives, and zealously attached to the British constitution, he must give a decided negative; and were he to agree to the doctrines which he had heard that day, he must conceive himself endeavouring to get the better of a treaty, by which he and his country had obtained benefits and enjoyed privileges, which they ought never to forget or treat with ingratitude. As a Scotch

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Member of Parliament, and considering himself as a representative of this country too, he must say, that if such attempts prevailed or succeeded, the dissenters of England, on the refusal that had been given to their different applications for a repeal of the test act, had been unjustly, harshly, and cruelly used indeed. As so much had been said about the test act, and the treaty of union, he must take the liberty of stating to the House the true and precise situation in which Scotland was, with regard to the test act, as that period of history, which he well knew the right honourable Baronet, who spoke last, was not unacquainted with. It was certainly known to the Scotch nation, that the test act existed in England, as the debates that ensued in their own Parliament, previous to the settlement of the treaty of union, clearly demonstrates. For when the articles of the treaty were sent to Scotland, and before they were returned to England, several propositions were made in the Scotch Parliament for relieving the Scotch from the effect of the test act, which were all, after serious debate, rejected; and in order to prove why they were rejected, and the propriety of that conduct in the Scotch Parliament, he would plainly state who were the parties that wished to insert that article into the treaty of union. The party who wished not to insert that article, consisted of those who were friends to the revolution, friends to the revolution principles, friends to the Hanoverian succession, and friends to the treaty of union; in short, they were all the great whig families in the country. On the other side, those who wished to have the Scotch relieved from the test act, were the enemies to the revolution, the enemies to the revolution principles, the enemies of the House of Hanover, and those who wanted to impede and prevent the treaty of union; and what was more, consisted of people who were no friends to, nor held any communion with, the church of Scotland. This, Mr. Dundas stated, came out, by publishing the names of those who divided on the different propositions that had been debated in their own Parliament, so that the truth being known, they acted like wise men, and distinguished their friends from their foes, by which means the union was brought about, and the conclusion certainly was, that if a different conduct had been pursued, no union would have taken place. Thus, the Scotch being fully informed concerning the test act, previous to the union, and having voluntarily agreed to it, any attempt to get free of it now, would be, in his opinion, playing a shameful game at fast and loose with England, and retreating from our contract after we had got possession of great and invaluable benefits which she could not retake from us. In public transactions,

it was a kind of chicane, which gentlemen would never allow themselves to be guilty of in private conduct. With regard to the declaration made in the General Assembly, and referred to by the honourable Baronet, he certainly had signed such an one; and when he accepted another official situation in this country, had conformed to the test act; but would not allow that his doing the latter was any dereliction of the religion that he had declared himself to adhere to, but only shewed his opinion to be against any objections to communicate with the church of England, and that he thought each of the churches best adapted to the country in which it was established. There were, he said, no tests in Scotland; and when a counter test had been proposed, it was very wisely refused; and for this reason; that the established religion of the country had nothing to fear from episcopacy. "We," said the sages of the Presbyterian church, "we have nothing to fear—our church is secure "from all attacks—its foundation is solid and impregnable— "for it is built upon the rock of poverty, and is not to be "shaken even when assailed by the most violent winds, or "boisterous storms. But far different is the situation of the "English church, she has her Archbishops, Bishops, and "Dignitaries, extensive tithes, and profitable livings, and when "she observes so many of the poor Presbyterians crossing her "borders, and penetrating into her best provinces, has more "reason to be alarmed, and of course, more need for tests." Mr Dundas enlarged upon this, and took notice of the argument of Sir Adam Fergusson and several other gentlemen who had supported the motion, to which he said he felt himself obliged to give a negative.

Mr. Fox. Mr. Fox next rose, and said, that although he had introduced a motion for the general repeal of the test act, and had declared himself ready to move, or to support such a motion, as soon as those who felt themselves aggrieved by that act, should think proper to bring it forward, he could have wished rather to hear the arguments of other gentlemen on the present occasion, than to repeat arguments which he himself had perhaps already used. There were in this country various descriptions of men, with respect to the opinions they entertained on religion: some professed themselves the friends of toleration in the utmost extent of the word; some of toleration in a limited sense, some of establishments, and some of public worship independent of establishments. He professed himself the friend of toleration, without any restriction, and at the same time of an established church; and every argument that could be advanced in support of either, was applicable to the support of the present motion. Notwithstanding all that had been said of the history of the union,

union, the diſcuſſions, and the acts of Parliament, that preceded it, there appeared to him a conſiderable degree of doubt, whether the teſt act did or did not apply to Members of the church of Scotland, and therefore he thought the motion for going into a Committee to enquire how the law ſtood, extremely proper. Thoſe who contended, that by the act of union the teſt act was meant to apply to Members of the church of Scotland, viewed the queſtion only on one ſide. They called in the evidence of hiſtory to prove, that if it had been underſtood, that the teſt act was not to be thus applied, the people of England would not have conſented to the union. It was juſt as fair for him to take the other ſide, and contend, that if it had been underſtood that the teſt act was ſo to apply, the people of Scotland would not have conſented. That Scotland had derived great advantages from the union, would not now, he apprehended, be called in queſtion. That England had alſo derived great advantages, was no leſs certain. The advantages, perhaps, were equal; but it was no panegyric on the act of union, that the prejudices of both countries were ſo ſtrong at the time of concluding it, as to prevent the fair and open diſcuſſion of all the conſiderations that ought to have entered into it. It had always been contended by the violent friends to the teſt act, and the violent friends to that act, (without having taken much pains to enquire who they were) he ſincerely believed to have been generally the enemies to every thing that was great and good; had always inſiſted upon it, as ſo intimately connected with the civil and religious conſtitution of the country, that it could in no caſe be given up; and therefore that it muſt neceſſarily have been included with reſpect to Scotland in the act of union. Mr. Fox then went over the material circumſtances of the union, from which he inferred, that the point was at leaſt doubtful. There was no mention of the teſt in the act of union, and ſuppoſing that there had been a teſt in Scotland previous to the union, of which alſo no mention was made, would it have alſo followed that ſuch a teſt muſt apply to both countries? This, he thought, would hardly be maintained, certainly would not have been as ſtrong in the one caſe as it was in the other.

People in this country were too apt to conſider the people of Scotland as having come to them; as having been annexed to the Crown of England in the nature of a province; whereas, in fact, the two countries treated and contracted as two independent kingdoms, which they really were; and whatever right or privilege was ſecured to the one, was equally ſecured to the other. The eſtabliſhment and deſcription of the church of Scotland was as much ſecured in law, as the eſtabliſhment and deſcription of the church of England.

England. They were very properly put upon equal terms. Was it consistent with this equality, that a member of the church of Scotland, as a qualification for a post as an English officer, not for an officer in the English church, or an English corporation, but a British officer, an officer in the British army or navy, should make a solemn profession of attachment, not to the establishment of the church of Scotland, but to that of the church of England? It never could be the intention, as a right honourable gentleman (Mr. Dundas) had explained it, that members of the two establishments should communicate with either. It was never understood that a member of the church of Scotland, in order to enjoy the advantages of the union, should communicate with the church of England. He was told, that the members of the church of Scotland had no objection to communicate with the church of England. This he could neither admit nor deny, on any knowledge of his own; but he well knew that the other part of the position, were this motion ever to come before the House of Lords, where the heads of the church of England were, would be formally denied them. Now how was the line of distinction to be drawn? By a natural or geographical limit? If a man to the north of the Tweed accepted of an imperial office, he was not to communicate with the church by law established there; but if he accepted of the office on the other side of the Tweed, he was required to do so, under heavy pains and penalties. There was no law to prevent the King from residing in Scotland. Suppose he were to do so, he might appoint all his officers of state, without any one of them being obliged to qualify according to the test act, and let in all the imaginary dangers to church and state, against which he was held up as the impregnable barrier. A person receiving His Majesty's orders to raise a regiment in Scotland, might there appoint all his officers without any test; but the moment they came into England they must take the test within a time limited, or incur the penalty of outlawry. But it had been said, as the law was never enforced, these inconveniencies were mere theories. If it were not enforced, why suffer it to remain? for a law not executed is, if possible, more theoretic than theory itself. The penalties, however, were not theoretic, because not enforced. Their execution depended neither on the church, nor on the government, but on the will of any malicious person who might choose to turn informer, if, indeed, it was fair to call any man malicious, for doing what the law directed him to do, and held out a reward for doing. Of all the penal statutes, the constant defence was, that they were not executed; a very irrational defence to be sure; and this was strengthened by a demand of "shew me the practice."

tice." Thank God, Mr. Fox said, he could not shew the practice. The wisdom of the legislature had taken care, from time to time, that the practice should not appear; but there could not be a stronger argument that they were not fit to remain as laws than the general concurrence of mankind, that they were not fit to be acted upon. But they were retained for the safety of the church. It was an ill compliment to the church of England to say, that she could not support herself by the purity of her doctrines, and the good example of her members, without a provision by law; that not only all those educated in her bosom, but those educated in the bosom of another church, should make a profession of attachment to her, as a qualification for civil offices; while the church of Scotland, her neighbour, not only required no such protection, but apprehended no danger from her sons being obliged to profess attachment to another, in order to enjoy the common rights of subjects. A right honourable gentleman had said, that the church of Scotland was secure in her poverty, which dreaded no attack. Had he any reason to believe, from the history of [illegible], that poverty was an adequate protection? Was no attack made upon her by the episcopal bigotry of Charles I.? Was none to be apprehended from the Roman Catholic bigotry of James II.? Was not the fear of some such future danger as rational a fear, as that kept up by the clamour of faction for the safety of the church of England, at the time of the Union, a clamour to which, fortunately, Parliament did not [illegible]. Both were now equally imaginary; [illegible] could then remain to discuss how the law [illegible] in consequence of the Union. As a friend [illegible] church, he was an enemy to the distinction which the test set up between the two established religions of the country; for what was the consequence? If a man born in one part of the kingdom conformed to the law and religion of the country, accepted a public office, he was called on not to profess his attachment to that religion, but to examine the doctrine and discipline of another, and to make a solemn profession of attachment to it, which, in the opinion of many, amounted to a disapprobation of that in which he had been educated.—Was not this a mockery of establishments? It was, indeed, said, that this was no dereliction; but, in discussing the general repeal of the test act, was it not generally said to be a profession, that he who took it was of the religion of the state? Was not this the argument at all the public meetings called for the purpose of opposing the repeal? Was it not the answer to the alleged profanation of a Sacrament, that it was not taken on account of an office, but as an act of religion, which he who took it was bound to perform, with-

out

out any regard to public office? What was the religion of the state as thus explained?—The religion of the church of England. Must not then the church of Scotland feel that she was not considered in the same light with the church of England, that she was not in the situation to which, as part of the established religion of the country, she was entitled? The very name of the test ought alone to supersede all these arguments. If they were to say with a right honourable gentleman, to whose argument he had before alluded, that the test meant nothing but a profession, that he who took it entertained no hostile ideas against the establishment; that he was ready to communicate with either church; that he who was of the church of Scotland when out of office, might communicate with the church of England when in; let that explanation be given, by which neither religion nor politics would be much benefited. Notwithstanding what a learned gentleman had said, with respect to the origin of the present motion, he was satisfied from what he had heard, that it had originated, as stated by the honourable Baronet who moved it, on the unanimous opinion of the General Assembly, that the test act, as appeared to members of the church of Scotland, was a grievance, and their vote unanimous to apply for redress. It might, for any thing he knew, be considered in Scotland as a solecism to apply to Parliament, when they had reason to believe that His Majesty's Ministers were not inclined to favour their application; but it was not, and he trusted never would be, considered as improper or unseasonable in this country, for any subject or class of subjects, to apply to Parliament for relief from a grievance, whatever might be the disposition of those in power. It had been farther observed, that the application came from the clergy of Scotland only; and it was asked, why the sense of the people had not been taken. After all they had lately heard, of alarms in the minds of the people, (vain alarms, in his opinion) was it wise, was it politic, was it like statesmen, when a proposition came before them from a respectable body, founded on sense and reason, to set it afloat among the people, and desire them to hold public meetings, and discuss its merits for the instruction of the Legislature? The history of the Union afforded no rule on the subject, both parties were afraid to come fairly to the question. The great men of that period were obliged to yield to the prejudices of the times. The House would recollect how far short of their own opinions they had been obliged to set up in relieving Roman Catholics. Was it then to be wondered at, that eighty years ago Lord Cooper, and the statesmen with whom he acted, should have yielded to the same sort of necessity?

With regard to religion, there were few acts on the statute books

books which ought not to be completely expunged. Instead of that, they busied themselves in explaining, mitigating, or suspending; and whenever the only proper remedy was mentioned, the answer was, "They are not executed;" the very worst character that could be given of them. This had been the answer to all the propositions that had been lately made. Ought not the House at last to see that laws, unfit to be executed, that were sometimes the instrument of partial oppression, but never of public benefit, were not fit to remain? They were well described by a learned and orthodox Prelate as "dangerous weapons laid in the way, which no good man "would use, and which ought not to lie there as a tempta- "tion to the bad." Mr. Fox said, that he was a complete friend to religious establishments, on the same ground that he was a friend to toleration. He thought it highly proper that a system of instruction for the improvement of morals should be provided for in every country; but highly proper also that those who dissented from that system should incur no penalties, should suffer no disabilities on account of their dissent, because, to admit of religious instruction, whatever character it assumed, as far as it contributed to inculcate morals, was to enlarge the sphere of religion. Many eminent divines of the church of England were of this opinion. The reverend Mr. Paley, a most orthodox author on toleration, after discussing all the branches of the subject, concluded with approving of a church establishment joined to a complete toleration.

To get rid of a charge that was frequently put on those who argued as he did, he should wish to know precisely, whether the test was a political or a religious act. When he called it a political act, he was told that it was an act for the security of religion, and, as such, by the union was made perpetual. When he called it a religious and persecuting act, he was told that it was a mere regulation of civil government, and had nothing to do with religion. It had, indeed, nothing to do with religion in its origin. It was intended merely to keep out Papists—an unwise expedient, in his opinion, to attain an unwise end; and now that the object of it existed no longer, it could be considered only as an instrument of religious persecution. The church of England could never be in danger but from building her safety on intolerant principles, and making that a pretext for opposing the extension of religious freedom. This, however, was gaining ground in other countries, and would continue to do so. This country, he hoped, would not be the last to adopt it. The question of toleration he should always be ready to meet, whenever it was fairly and properly brought forward, and the oftener, he thought, the better; for there was

no

no question that gained more by discussion—no question, the discussion of which contributed so much to the improvement of religion, of morals, and of happiness. On this general ground, he supported the motion, as well as on the particular grounds he had already stated. One argument that might be urged against it, Mr. Fox said, he wished yet to obviate. If it were doubtful whether the Test act did apply to members of the church of Scotland, it might be said, why not try the question in the regular course of law? This might, indeed, be proper in a civil case, but could hardly be done under a penal statute. If it were doubtful whether a particular act was a capital offence, it would be rather hard to say, do you commit the act, and whether you are hanged or acquitted, the law will be clear. If any gentleman were disposed to try this question, and the law should be explained to be against him, he would be condemned to a fine of five hundred pounds, which many gentlemen might readily pay; but the rest of the penalty, to be rendered incapable of holding any public office ever after, of being an administrator or executor, or of receiving a legacy, was rather too much for any gentleman to be expected to risk. There could be no objection to enquiring how the law stood, and the declaration of the House might be considered as a safe guide. Mr. Fox concluded with declaring that he would give his vote for the motion.

Mr. Pitt. Mr. Chancellor *Pitt* rose to make a few observations on what had fallen from Mr. Fox. He said he could not hope the right honourable gentleman would think better of him than of all the former friends of the test act, whom, without knowing them, he had pronounced the enemies of all that was great and good; for he must still continue to be a friend to it, till he heard better arguments against it than any he had yet heard. He had never been a violent friend to it, but he professed himself a firm and steady friend. because he thought it essential to the security of the church, and as connected with that, to the civil establishment of the country. He considered the present motion as nearly connected with the general repeal of the test act; and unless a clearer distinction could be made out, than any yet stated, he must look upon the one as a preliminary to the other. The manner in which it had been argued, was extremely indistinct. The House was sometimes told "Go into a Committee, "because, as applied to Scotland, it is not law." At other times they were told, "Go into a Committee, because, if it be law, it is so great a grievance, that it ought to be redressed." If gentlemen thought that it was not law, they ought to come forward with a distinct proposition on that particular point; but they proposed going into a Committee, to

discuss

discuss either question, and neither distinctly. To this he could not agree, unless he were convinced, that if it was the law, it ought not to be the law, which he was not by any means disposed to admit, although if it were not the law, he should undoubtedly admit that, whatever might be his opinion on the expediency. But it was impossible to admit, that the law was doubtful, and then that it was such a grievance as ought not to be endured. What, after it had been so long open to the examination of those on whom it was supposed to be a grievance? After they had submitted to it, without a single question, for so many years, was it to be imagined either that the law was doubtful, or that the grievance was oppressive? The question of the test act had been agitated in the Scots Parliament before the union. Their attention had been particularly called to it; they were not therefore taken by surprise, and their acquiescence was a sufficient indication of their opinion. Had they been resolved to object to it, they could not indeed have bound England by any act of theirs, but they might have inserted an article respecting it in the instructions to their commissioners as a fundamental principle. Mr. Pitt here entered into a discussion of the circumstances that immediately preceded and followed the union, from which he drew a general conclusion, that historical inference, contemporary exposition, and the practice of eighty years, proved it to be law, that members of the church of Scotland were not exempted from the test act in England. The next consideration was, whether the law ought to be repealed, while it was the sense of a great majority of the legislature and of the country, that the test act ought not to be generally repealed? Was there any thing of it in the circumstances of the case that called for this partial repeal? The whole of the imaginary grievance arose from a misrepresentation of the nature of the test, which, instead of being a solemn profession that the person who took it was a member of the church of England, he had always considered as a testimony that he did not think so ill of that church, and was not so disaffected to it, as to refuse to communicate with it. This he understood from many gentlemen, from the authority of the Ministers of the church of Scotland, was the general sentiment of the members of that church. They had not such objections to the discipline or doctrines of the church of England, as to refuse to communicate with it. If this were the case, they did not stand in the same predicament with the Dissenters in England, much less with those Dissenters who thought the establishment of the church idolatrous and sinful, and that they were bound in duty to labour for its demolition. There might be many descriptions of religious opinions included under the general term of the

church of Scotland; there might be many of those who thought that they ought not to hold communion with the church of England; but then all who thought so charitably of that church as not to refuse communion, being the great bulk of the members of the church of Scotland, suffered no grievance from the operation of the test act. If there were others less liberal, they did not come under the proper character of members of the church of Scotland, but under the character of Dissenters, and no reason could be alledged for exempting them from the test that would not operate with equal, if not greater, force, for exempting English Dissenters. There might be many such Dissenters in Scotland, where there was no test by which to ascertain who were members of the church, by law established, strictly speaking, and who were not. The consequences of the exemption then would be to let in all sorts from Scotland, and Dissenters of every description. On these general grounds, that the bulk of the members of the church of Scotland were not excluded by the test, and that it would be unsafe to admit Dissenters from Scotland, he was satisfied, in his own mind, that the law, as it stood, was no grievance, as well as from a thousand collateral reasons which he could mention, but with which he thought it unnecessary to trouble the House, and consequently should vote against the motion.

Colonel Macleod.

Colonel *Macleod* said, that before he came down to the House, that day, he had not imagined any one gentleman, who represented that part of the country from which he came, would have argued or voted against the question: as being a representative for Scotland, he thought himself bound in honour to support the independence of the established religion of the country. He knew that the sentiments of the people would be, that such gentlemen were more attached to Ministers than to their country. To oblige a member of the church of Scotland to profess an attachment to the religion of England, instead of his own country, was, in his opinion, a mark of subjection, an invidious distinction, that ought not to exist. He felt great obligation, and the people of Scotland would concur with him, to the right honourable gentleman (Mr. Fox) for the liberal manner in which he had spoken of their independence, and their claim to be treated on equal terms; while they could not but consider the language of another right honourable gentleman (Mr. Pitt), as holding them up in the light of a dependant province, rather than an independent nation, that had united with England on an equal footing. The House divided on the motion;

Ayes, 62; Noes, 149. Majority, 87.

Mr.

Mr. Fox gave notice that he ſhould bring forward his motion on libels on Thurſday ſe'nnight.

• Mr. Chancellor Pitt wiſhed to know the nature of the motion.

Mr. Fox.

Mr. *Fox* ſaid, he had formerly ſtated, that it would be to reſolve into a Committee on Courts of Juſtice, to enquire in that Committee into the proceedings by *quo warranto*, and what was the preſent doctrine of the Courts reſpecting libels. In doing this, he might have occaſion to mention particular caſes, by way of illuſtrating his argument, ſome of which he might think deſerving of cenſure.

The Houſe adjourned.

Wedneſday, 11th May.

The Houſe having reſolved itſelf into a Committee on the Quebec Bill, Mr. Hobart in the chair,

Mr. Pitt.

Mr. Chancellor *Pitt* moved, "That the bill be read clauſe "by clauſe." He ſaid, that he truſted it was not now neceſſary to read over the whole clauſes, and that any gentleman would ſtate his objections to any particular clauſe.

Mr. Huſſey.

Mr *Huſſey* objected to the diviſion of the provinces, ſtated in the bill, a meaſure which he conſidered as not ſuited to the purpoſes of legiſlation. He thought that they all would become Britiſh ſubjects ſooner, if this diviſion did not take place. He conſidered it, inſtead of tending to heal their differences, as calculated to preſerve and inflame their animoſity. Commerce was the chief point of view in which Quebec was of importance to this country. It behoved the Houſe, therefore, to provide for that moſt eſſential object, the ſecurity of property. We ought to introduce the Engliſh commercial law, and leave the Houſe of Aſſembly to make ſuch alterations as they ſhould find rendered expedient by their own peculiar circumſtances.

Mr. Powys.

Mr. *Powys* ſaid, that the reaſon of this diviſion was ſtated to be to prevent feuds and diviſions. But he very much doubted that the method of diviſion, whether or not it came in the form of a declaration of His Majeſty's intention, would be but ill calculated for this purpoſe.

Mr. Fox.

Mr *Fox* wiſhed to be informed of one point, which had never been explained, and that was, whether His Majeſty had a power to divide the province, as was then propoſed.

Upon conſulting the 14th George III. it appeared that the King had that authority.

Mr. Pitt.

Mr. Chancellor *Pitt* ſaid, the point being ſettled that His Majeſty had an authority to divide the province, the queſtion would be, whether it was fit for Parliament to agree with His Majeſty to eſtabliſh two Legiſlatures; and if they did not agree, they might negative the whole of the clauſe, and

might dispose of the whole of the bill; because it proceeded all through its various clauses on the fundamental supposition of two Legislatures. It appeared to His Majesty's Ministers, first, that the only way of consulting the interest of the internal situation of Quebec, and of rendering it profitable to this country, was to give it a Legislature, as near as circumstances would admit, according to the principles of the British constitution. In the next place, it appeared to them that there was no probability of reconciling the jarring interests and opposite views of the inhabitants, but by giving them two Legislatures. It was conceived this form of Government was best adapted to put an end to all the difficulties of a legal sort, and to render the regulations more useful to the subjects of that country. He believed there was such a rooted opposition of interests of the one description and the other, that if there was a constitution, consisting of a House of Assembly, in which the parties might be nearly balanced, the consequence, at least for a long series of years, would be a great degree of animosity, and a great degree of confusion. If one of the parties had a great ascendancy over the other, the party having the superiority was very unlikely to give satisfaction to the other party. It seemed to His Majesty's servants the most desirable thing, if they could not give satisfaction to all descriptions of men, to divide the province, and to contrive that one division should consist, as much as possible, of those who were well inclined towards the English laws, and that the other part should consist of a decided preponderancy of the ancient inhabitants, who were attached to the French laws. It was perfectly true, Mr. Pitt said, that in Lower Canada there still remained a certain number of English subjects, but these would hold a much smaller proportion than if there was one form of Government for every part of the province. It was in Upper Canada particularly that they were to expect a great addition of English inhabitants. The consequence was, that if it was not divided from the rest, the Canadians forming a majority of five to one, the grievance would be every year increasing in proportion as the population increased. He was ready to admit, on the other hand, that it was impossible to adopt any measure that was perfectly free from inconvenience. The division of the province might be liable to some objection, but, on the whole, it was subject to fewer objections than any other measure, and would tend more to promote their connection with this country, or to produce good effects.

Mr. Powys. Mr. *Powys* owned that he was not convinced by the right honourable gentleman's reasoning. He had allowed, that in this instance the interests of one part of the inhabitants of Canada were sacrificed to those of the other. He could not give

give up His Majeſty's declaration, of which he read ſome part, promiſing to the inhabitants of Canada the Britiſh conſtitution.

Mr. Burke

Mr. *Burke* ſaid, that it was evidently the intention of His Majeſty's declaration, that the laws adopted in Canada ſhould be as nearly as poſſible ſimilar to thoſe of England. Indeed, it was uſual in every colony to form the Government as nearly upon the model of the mother country, as conſiſtent with the difference of local circumſtances. It was proper that every corporation ſhould adopt for its own uſe the regulations of the community from which it held. To aſcertain the propriety of dividing the provinces, required a degree of local knowledge which he did not poſſeſs; but he ſhould take it that the meaſure was convenient. An attempt to join people diſſimilar in law, language, and manners, appeared to him highly abſurd; to join too the conquerors and the conquered, muſt give riſe to much unpleaſant feeling, and many invidious diſtinctions. Such a meaſure would appear to him to ſow what muſt be moſt fatal to the eſtabliſhment of a new Government, the ſeeds of diſcord. This geographical diſtribution then was, in his opinion, highly convenient. The upper colony was chiefly inhabited by emigrants from America: theſe then were deſirous of the Engliſh conſtitution. Let the Canadians have a conſtitution formed upon the principles of Canadians, and Engliſhmen upon the principles of Engliſhmen. Let them be governed upon the nature of men, the only wiſe foundation of all Government; and let there not be adopted any wild theories, more unknown than the north weſt coaſt of America. In this point of view he approved of the diviſion, as accommodated to the circumſtances of the country, and the natural prejudices of the inhabitants. He recommended that ſyſtem of Government which tends to promote the union of the good of the individual and of the Public, in oppoſition to that which attempted to methodize anarchy. He admired the diviſion, no, he did not poſſeſs ſufficient local knowledge to admire it; but he could at leaſt ſay, that he did not diſapprove it. Situated as he was, in a ſtate ſupported by no party, there was a voice which cried to him, Beware. In the ſhort time during which he remained in Parliament, and it would be but a very ſhort time, he would, however, ſupport thoſe principles of Government which were founded upon the wiſdom of antiquity, and ſanctioned by the experience of time. On the preſent bill, neceſſary as it was for him to be careful of what he ſhould ſay, he ſhould ſtate the arguments that occurred to him, as they ſhould ariſe, upon every clauſe.

Mr.

Mr. Pitt. Mr. Chancellor *Pitt* said, that there were none, who, from their attention to every clause, were more qualified, on the present bill, to communicate information from the source of their knowledge, or draw illustration from their powers of eloquence, than the right honourable gentleman; yet he was desirous, that in considering particular clauses, regard should likewise be had to their connection with the general tenor of the bill. It was intended to give a free constitution to Canada, according to British ideas of freedom. This could not be done without a division of the provinces, to prevent that clashing of opposite interests which must otherwise necessarily ensue. Yet even this measure, he had owned, was not free from local inconvenience, though by no means equal to the inconvenience of either not giving them a new system of government, or not providing in that system for this division of the provinces. Could it be inferred, from His Majesty's proclamation, that he was to give Canada the whole of the English laws? This proclamation was made in 1763; and by an act of Parliament in 1773, all English laws had been abolished, except the criminal laws. From this fact, it would be judged how far it was binding on His Majesty to give to this colony the whole of the English laws.

Lord *Sheffield* said, that in addition to the objections which had been made to the division of the province, he thought it not justifiable, in any principle of policy or colonization, to encourage settlements in the interior parts of America, which the division certainly tended to do. It had been much doubted, whether colonies were advantageous to the mother country. Certainly, these which furnished only the same products were not; but those which assisted our fisheries, and above all, the West-India plantations, were highly advantageous; the latter produced what we could not; we supplied them with every thing—we carried for them. They do not build ships, or vie with us in any thing, and never could manufacture for themselves. He noticed the design of building the seat of the new Government on the most distant part of Lake Ontario, between which place and the mother country the communication must ever be difficult. He observed, that it could not be the interest of Great Britain to form a settlement of farmers in a country which grows the same articles as our own. The expence would be great, as it must be a long time before it could maintain its own Government. At the same time, it would not be possible to retain the supply of such settlements, as it would not be practicable to prevent the smuggling of manufactures from the adjoining United States. He concluded by saying, that it would be adviseable to maintain a few posts, to promote a trade with the Indians; but to encourage migration from the

the coast to the interior parts of that great continent, he conceived to be a system extremely unwise.

Mr. *Fox* asserted, that it was a mistaken inference of the right honourable gentleman, that those who disapproved of the division of the colony, rejected the whole clause. They wished only to amend it, by leaving out the first part. That clause contained the whole plan of Government, the Governor, the Legislative Council, the Assembly, to which no one had stated any objections. With regard to the different opinions of the division of the colony, there was certainly difficulties on both sides. If the division should take place, the French laws would be established as general in one province, and the English laws in another. Many had gone to settle in the colony, on the faith of His Majesty's proclamation, that the British constitution would be established. Could this division be attended with a complete separation of the old and new inhabitants, its views would then be answered. But several of those who had come on the faith of His Majesty's proclamation, resided not in the upper, but in the lower province; and several of those, who might be deemed to be hardly used, resided in the upper. But it might be answered, that the act, made seventeen years since, did away the proclamation. That act had given great dissatisfaction at the time, and since it had frequently been thought that it ought to be repealed. If the question of right was insisted upon, it was certainly done away legally; but in forming this new constitution, it would be more desirable to act upon the principles of good faith. Was it necessary, asked Mr. Fox, to adhere to the proclamation, that all the English laws should be introduced into the colony? None wished it, and that was a reason why they should not do it. With regard to the French laws, they might be allowed to have constitutional and municipal laws, if they were desirous that these laws should not be taken away. But in fact, these were not the French laws at the conquest of Canada. They had sent only a part of their laws to their colony; they formed merely what was called the custom of Paris; but that had been long since abrogated. Hence arose the utmost difficulty in appeals to the Privy Council; the law to which they referred no longer existed; it was necessary to consult, not the French lawyer, but the antiquarian. If any middle way could be found, he owned it would be the best. He would suggest one expedient, and that was, to adopt the French laws in the upper, and compel the Government to alter them, till they should have accommodated them to the local circumstances of the country. But as for the division, he owned that he regarded it as attended with the utmost possible inconvenience. The commerce of the upper part, in

Mr Fox.

order

order to be carried on, muſt paſs through the lower, and might in its paſſage be fettered by the Legiſlature there with whatever duties or obſtructions they might chuſe to impoſe. All Engliſh merchants had complained of the loſs which they had ſuſtained from the French laws, and affirmed, that in conſequence of their uncertainty and defective regulations, whatever flouriſhing appearance their trade might have exhibited, they had ultimately been ſufferers in every connection with that colony. So that the reſult of their experience had been to abandon a trade, from which the uncertainty of law had ſhut up every avenue of advantage.

Mr. W. Grant.

Mr *W. Grant* ſaid, that, in general, commercial laws differed but little from one other The commercial laws of England and of France were nearly the ſame. All commercial laws were founded upon the principle of contracts, either expreſſed or implied. He begged leave to correct a miſtake on a ſubject of which he was enabled to ſpeak from his local knowledge. The cuſtom of Paris had no reference to the regulations of commerce, but of real property. The merchants were aggrieved, not in conſequence of commercial deciſions, but of inſolvency. The relief granted to creditors was very different in different countries. It was granted in France according to the nature of the debts. The merchants thought that they had reaſon to complain, when they found the whole of the bankrupt eſtate run away with by French deeds, of which they knew nothing. The uncertainty of laws was in every colony neceſſarily a ſubject of complaint. They brought with them only that part of the laws of the mother country which was applicable to their new ſituation. In Canada the uncertainty, from the mixture of French, was ſtill greater. Another diſagreeable circumſtance was, a diſpute whether a collection of commercial laws made by Lewis XIV., called the *Code Marchand*, had ever been really introduced into the colony, or ought to form part of the ſyſtem. Inſtead of framing a new bankrupt law, would it not be better to allow any ſort of an Aſſembly to enter into the detail of regulations, which, in the local circumſtances of the country, they ſhould find moſt convenient? It was not to be wondered at, that appeals ſhould be a ſource of litigation, as thoſe to whom they were made could not be ſuppoſed perfectly converſant with the French laws.

Mr. Fox.

Mr *Fox*, after paying a compliment to the abilities of the honourable and learned gentleman that had ſpoke laſt, thanked him for having corrected his miſtake. He had had, he ſaid, his information from thoſe merchants who had been themſelves ſufferers But notwithſtanding what had been urged, he was ſtill in as much doubt as ever about the unintelligibility of the laws. It had been admitted by the honourable

gentle-

gentleman, though he had ascribed it less to the laws themselves, than to the situation of the country. If the laws were English, and they were bad, their defects would be easily perceived, and might quickly be remedied.

Mr. *Burke* said, the question was, whether the English laws were or were not better than the French laws. He repeated what he had formerly said, that the English in Canada were attached to the English constitution and to the English laws, and that the French, from their prejudices, were equally attached to the Canadian laws. He then made some observations on the difference between debtors and creditors, who were landholders, and those who stood in that relation merely from commerce. He perfectly concurred, Mr. Burke said, in opinion with what had been advanced with so much propriety by Mr. Grant: The English ought to enjoy the English constitution, and the French the old Canadian constitution. Those colonies ought to be considered both with regard to commerce, and also with regard to their own internal happiness.

Mr. Burke.

Mr. Alderman *Watson* observed that the English were attached to the constitution and laws of their own country, and sought protection under them. The French were certainly attached to the Canadian laws. He complimented Mr. Grant on his abilities and knowledge, and said, no man in that House was better qualified, from his experience and good understanding, to give them information on the subject than the honourable gentleman. All that he asked for the inhabitants of Canada, he said, was that they should enjoy the security of British laws on commercial principles. With regard to the division of the province, he saw no other mode of securing the quiet of the colony.

Mr. Ald. Watson.

The *Attorney General* desired to make a few observations on what had fallen from the worthy Alderman, respecting the state of the mercantile law in Canada, and the uncertain manner in which it was administered. He said it had fallen within his official duty some years ago to examine that subject very fully, and he rose from that examination confirmed in the opinion of his honourable and learned friend, that the fundamental principles upon which a merchant could recover his debt from a solvent man were not very different from those which prevailed in this country; and he believed almost every other country; and that excepting upon the subject of the law of insolvency, there was a reasonable degree of uniformity in the decisions of the judges. The doubt arising from the law of insolvency, arose from its being a question whether the Code Marchand of Louis the XIVth was ever adopted in that country. It was contended on the one hand that it did not appear ever to have been registered by

Attorney General.

the Supreme Council; on the other hand it was insisted, that it had been sufficiently acted upon to shew that it might have been registered, or in some other manner adopted. In this consisted the great complaint of uncertainty; that subject, however, was in a course of decision, and consequently it would be ascertained that an insolvent law did exist, and that a law must be made suitable to the local circumstances of that country. But if it were true that the mercantile law of Canada was imperfect, the remedy of overturning it, and putting a law different in its forms and all its detail, although similar in principles, in its place, would be attended with the utmost inconvenience. It must be considered, he said, how mercantile law had been established in this country; it was by pursuing the practice of merchants in this country, which local experience had shewn to be best adapted to their profession, and as such adopted and confirmed by our courts of law. He observed, that if in all its minute detail, that system were carried in the lump to any other country, the utmost embarrassment might follow. In the most minute instances, that detail might be found inapplicable; who could say with certainty that the same diligence which was required in this country, with respect to unaccepted or unpaid bills of exchange, would be practicable in that country? who would say, that where a certain number of days were admitted in this country, as days of grace, it would be convenient in that country? The forms of actions, which would be now and then, would be suddenly introduced, require the sudden introduction of pleaders and advocates to conduct them. Mercantile law, though almost universally similar in its leading principles, was in its detail perhaps the most local of any other subject of law. He observed, that what had fallen from the worthy Alderman and others, shewed that when they spoke of the introduction of the mercantile law of England to supercede the present law, it was forgot that it would go far beyond the great exporter and importer, (who seemed only to be in gentlemen's contemplation, and they were chiefly English); but it should be considered that it would pervade the traders of every description in the whole country. Having reasoned upon this, the Attorney General proceeded to state that he had himsel conversed with several Canada merchants, and upon representing to them the great extent of their wishes, to adopt the whole mercantile law of England, they unanimously exclaimed against particular parts, especially the bankrupt law. It would therefore becomen ecessary to reflect before any mode was adopted. He thought that such a selection could only be made by a legislature on the spot; who would gradually, and

and as particular exigencies called for it, adopt so much of the English law as should be necessary. He observed that the idea of ascribing losses to the imperfection of the subsisting law in Canada, prevailed so much in the minds of English merchants, that he had heard it mentioned as a grievance, that a great cargo of goods sent to Montreal, had been sold, the money laid out in land, and settled by a family settlement, on a marriage, which by the law of Canada could not be reclaimed by the merchants. He observed that the law of England would have said the same, and he conceived that it would be so in most other countries. He therefore concluded with observing, that as far as the leaving it to the wisdom of the local legislature to assimilate their mercantile law to that of England, instead of overturning the present laws, was an objection to the division of the province, he thought it wise and proper to give to the one part the law of England, which they were acquainted with, and leave the law of the other, subject to temperate and gradual alteration

Mr. Francis.

Mr. *Francis* asked Mr. Chancellor Pitt if it was his intention, by the division of the province to assimilate the Canadians to the language, the manners, the habits, and above all, to the laws and constitution of Great Britain?

Mr. Pitt.

Mr. Chancellor *Pitt* replied, that he certainly did mean to do so, and that he was clearly of opinion in the present case, that an attempt to force on them those laws to which their own prejudices were averse, was not the way ever to reconcile them to the British laws and constitution. He said a great part of the commercial law of this country was already in Canada, and he intended to leave it to the legislature of Canada to adopt such laws as they thought were suited for their situation.

Mr. Fox.

Mr. *Fox* said, that it was not his wish to introduce all the English laws into Canada. But he thought that the system, which was now pursued, with regard to the government, had a tendency to prevent even the propability of adopting English regulations. By being mixed, they would certainly be more liable to coalesce. And it was not recollected, that while they were consulting the prejudice of the inhabitants of Lower Canada, they were leaving unprovided those of Upper Canada, who were really desirous of English laws.

Mr. Hussey.

Mr. *Hussey* wished to make some enquiry about a circumstance which he believed it might be as proper to mention now as at any future stage of the bill. He had in his pocket an attested copy of a memorial to Lord Dorchester, signed by many respectable inhabitants of the province of Canada, complaining that their agent, Mr. Limburner, upon an application to the then Secretary of Sate, (Lord Grenville)

for a copy of the propoſed bill, which was meant to frame a conſtitution for Canada, had been refuſed. In his opinion, it would have been better that the perſons who were principally intereſted in this bill, ſhould have had an opportunity of knowing its contents, that we might be certain, when we were framing a law for their government, that we were doing it in a way which was likely to give them ſatisfaction.

Mr. Pitt.

Mr. Chancellor *Pitt* thought, that if it was deemed neceſſary to conſult the province of Canada, further than they knew of their ſentiments already, upon the neceſſity for ſome new conſtitution, which His Majeſty's Miniſters had pledged themſelves to bring forward, it would have been much better that the honourable gentleman, or any perſon who had any information upon the ſubject, had mentioned that circumſtance before this time. As to the application made to His Majeſty's Secretary of State, he recollected hearing ſomething of it; but at the time it was made, he believed the Secretary of State thought it improper to give information to the perſon who applied, without any particular authority; becauſe he conſidered, that while he was taking every ſtep to obtain information upon the ſubject, he could not give any copy of what was likely to be brought before Parliament.

Mr. Powys.

Mr. *Powys* wiſhed to aſk one queſtion, and he thought not an unfair one. It was, whether the Miniſter knew that this bill would be agreeable to that province, for whoſe benefit it was intended? He thought it could not be ſo; as one ſet of petitioners had prayed, that they might have no Aſſembly, and for them an Aſſembly was provided. Another had wiſhed for an Aſſembly, and their wiſhes this bill would not ſatisfy, becauſe it gave them no Aſſembly, for which he thought it was not probable that the bill was likely to be agreeable to thoſe whoſe relief and advantage it was intended for.

Mr. Pitt.

Mr. Chancellor *Pitt* contended as formerly, that Miniſters were pledged to bring forward ſome propoſition for the government of Canada, and that it was their duty to conſider what was the moſt agreeable mode of doing it.

Mr. Sheridan.

Mr *Sheridan* ſaid, he meant to have moved, and he hoped that ſome perſon of greater weight would yet move, that the bill ſhould be ſent over to Canada, ſince it would be extremely deſireable to know whether the plan was likely to meet the wiſhes of the people, even though they waited till next ſeſſion for an anſwer.

Sir John Sinclair.

Sir *John Sinclair* propoſed an amendment to the clauſe, the effect of which was, to prevent the diviſion of the province.

The Chairman put the queſtion on this amendment, which was negatived without a diviſion.

The

The Chairman having read the next clause of the bill, viz. that for the constitution of the Legislative Council,

Mr. *Fox* rose to oppose the clause, and object to the mode of appointing the Council. He said, that he would throw out generally his ideas as to the means of substituting what he could not but conceive to be a better mode of appointing a Council, than the mode adopted in the clause as it stood. First, he laid it down as a principle never to be departed from, that every part of the British dominions ought to possess a government, in the constitution of which monarchy, aristocracy, and democracy were mutually blended and united; nor could any government be a fit one for British subjects to live under, which did not contain its due weight of aristocracy, because that he considered to be the proper poise of the constitution, the balance that equalized and meliorated the powers of the two other extreme branches, and gave stability and firmness to the whole, [a loud cry of hear! hear!] It became necessary to look what were the principles on which aristocracy was founded, and he believed it would be admitted to him, that they were two fold, namely, rank and property, or both united. In this country, the House of Lords formed the aristocracy, and that consisted of hereditary titles, in noble families of ancient origin, or possessed by Peers newly created, on account of their extended landed property. Mr Fox said, that prejudice for ancient families, and that sort of pride which belonged to nobility, was right to be encouraged in a country like this, or one great incentive to virtue would be abolished, and the national dignity, as well as its domestic interest, would be diminished and weakened. There was also a thing to be remembered, which gave additional honour to our House of Lords, a long established respect for the persons and families of those who, in consequence either of their own superior talents and eminent services, or of one or both in their ancestors, constituted the Peerage. Aristocracy, he observed, was by no means peculiar to pure aristocracies, such as Venice and Genoa, and even to despotic or to mixed governments. They were to be found in democracies, and was there considered as an essential part of the constitution, affection to those whose families had best served the public, being always entertained with the warmest sincerity and gratitude. Thus in the ancient republics of Athens and of Rome, they all knew the respect paid to those, who had distinguished themselves by their services for the commonwealth. Upon every ground of consideration, therefore, it would be wise, and what was more, indispensibly necessary, that an aristocracy should make a branch of the constitution for Canada; it was undoubtedly equally important with either the popular or the monar-

Mr. Fox.

monarchical. But then the nature of the caſe muſt be conſidered; and he ſhould therefore not adviſe the giving Canada a ſervile imitation of our ariſtocracy, becauſe we could not give them a Houſe of Lords like our own. The right honourable gentleman over the way appeared to be aware of this, and therefore he had recourſe to a ſubſtitute for hereditary nobility. It was, however, he muſt contend, a very inadequate ſubſtitute, it was a ſemblance but not a ſubſtance. Lords indeed we might give them, but there was no ſuch thing as creating that reverence and reſpect for them, on which their dignity and weight in the view of both the popular and monarchical part of the conſtitution depended, and which alone could give them that power of controul and ſupport that were the objects of their inſtitution. If Canada ſhould grow into a great and flouriſhing colony, (and he truſted that it would) as it was removed at ſuch a diſtance from the principal ſeat of Parliament, it was, the more neceſſary to make the Council, in a conſiderable degree, independent of the Governor and the people; becauſe the province being ſo far off, the power of controul could not be properly exerciſed by that Houſe, with a view to the calling upon the reſponſibility of Miniſters, and puniſhing them for any abuſe of the prerogative, by giving wrong advice to the Council, through the medium of the Governor. This was, he ſaid, a clear argument why the Council ought not to be appointed by the Crown.

Property, Mr. Fox ſaid, was, and had ever been held to be the true foundation of ariſtocracy; and when he uſed the word ariſtocracy, he did not mean it in the odious ſenſe of ariſtocrat, as it had been lately called, with that he had nothing to do. He meant it in its true ſenſe, as an indiſpenſibly neceſſary part of a mixed government, under a free conſtitution. Inſtead, therefore, of the King's naming the Council at that diſtance, (in which caſe they had no ſecurity that perſons of property, and perſons fit to be named, would be choſen), wiſhing, as he did, to put the freedom and ſtability of the conſtitution of Canada on the ſtrongeſt baſis, he propoſed that the Council ſhould be elective. But how elective? not as the Members of the Houſe of Aſſembly were intended to be, but upon another footing. He propoſed that the Members of the Council ſhould not be eligible to be elected, unleſs they poſſeſſed qualifications infinitely *higher than thoſe who were eligible to be choſen Members of* the Houſe of Aſſembly, and in like manner the electors of *the Members* of Council muſt poſſeſs qualifications alſo proportionably higher than thoſe of the electors to repreſentatives in the Houſe of Aſſembly. By this means, Mr. Fox ſaid, they would have a real ariſtocracy choſen by perſons of

property

property from among persons of the highest property, and would thence necessarily possess that weight, influence, and independency, from which alone could be derived a power of guarding against any innovations that might be made, either by the people on the one part, or the Crown on the other. In answer to this proposition, Mr. Fox observed, it might possibly be said to him, if you are decidedly in favour of an elective aristocracy, why do you not follow up your own principle, and propose to abolish the House of Lords, and make them elective? For this plain reason, because the British House of Lords stood on the hereditary, known, and acknowledged respect of the country for particular institutions; and it was impossible to put an infant constitution upon the same footing. It would be as ridiculous to say you shall have a house of Lords like that in England, as for a person in his closet to make and say what degree of reverence and respect should belong to them. From what he had said, Mr. Fox remarked, that he might possibly be deemed an advocate for aristocracy singly; he might, undoubtedly, with as much reason, as he had been called a republican. Those who had pretended that he was a favourer of democratical principles, had surely read very little, and little understood the subjects. He mentioned the American governments, and said, he thought they had acted wisely, when upon finding themselves reduced to the melancholy and unfortunate situation of being obliged to change their governments, they had preserved as much as they possibly could of the old form of their governments, and thus made that form of government which was best for themselves; most of which consisted of the powers of monarchy, aristocracy, and democracy blended, though under a different name.

In order to shew, that his idea of an elective Council was not a new one, he said that before the revolution, more of the Councils in our colonies were elected by the people than the King. Mr. Fox said, he had thus generally stated the outline of his proposition, upon which he did not mean to take the sense of the Committee, unless it should be the general opinion that it ought to be adopted; if he did take the sense of the Committee, and their sense should be against him, he should then propose that the Council should either be all at the nomination of the King, or all hereditary. He believed that any Council chosen in any manner would be better than none; to have them elective as he had stated, he seriously thought would be best, but it would be more detrimental than even the not having an elective Council, that the Governor should be left to himself, to decide alone. He remembered it had been once said, when talking of representation, that any five hundred and fifty eight gentlemen who could be first

ſtopped at Hyde-park turnpike, and aſſembled in that Houſe, would be of as much ſervice to the people as they were. Mr. Fox ſaid, he by no means agreed with the propoſition, or any one equally extravagant; but many were always a check to one, and a Governor might decide in his cloſet upon a meaſure ſo fooliſh and ſo wicked, that he would not have the face to ſtate it to any number of perſons. The very circumſtance of a Governor's being obliged to have his opinion canvaſſed by many, was a poſitive advantage; and diſcuſſion, he was ſatisfied, always produced good. After putting this pointedly, he ſaid, if there were to be hereditary members of the Council, they ought all to be ſo. The check upon making Peers here, he ſaid, he had ever conſidered as attended with this advantage, that when the King made a Peer, he recollected that he entailed an hereditary Legiſlature on the country. A doubt exiſted, Mr. Fox ſaid, whether the King had a right to make a Peer for life, without his title being hereditary, and at this time he underſtood there was ſuch a juridical queſtion collaterally exiſting in the Houſe of Lords, which was a clear proof that the practice was unknown. If the Crown had ſuch a power, the life Peers might overwhelm the hereditary peerage, and thus deſtroy the conſtitutional controul of the Ariſtocracy, in caſe they attempted to reſiſt the Crown. Thus under pretence of Ariſtocracy, Lords might be introduced as mere tools of the Miniſter, and give Government an opportunity to deſtroy the conſtitution, and exerciſe deſpotic power in the moſt open ſhape. If, however, ſuch an uſe of the prerogative ſhould be exerted, He had no doubt, he ſaid, but it would be ſoon remedied.

In the province of Canada, Mr. Fox continued to obſerve, the introduction of nobility was peculiarly improper for a variety of reaſons, in fact there was a ſort of nobility there already, viz. the Seigneurs, who were utterly unfit, and were not reſpected enough, to be made hereditary nobles; and yet would Miniſters, he aſked, paſs by the real nobility of the country, the Seigneurs, and create a ſet of people over them, whom the world called nobility, and inveſt them with hereditary honours? By the bye, the ſort of titles meant to be given were not named in the bill; he preſumed the reaſon was, that they could not be named without creating laughter. Having thus gone through his propoſition, Mr. Fox generally remarked, that ſo neceſſary was ariſtocracy to all governments, that, in his opinion, the deſtruction of all that had been deſtroyed, could be proved to have ariſen from the neglect of the true ariſtocracy, upon which it depended whether a conſtitution ſhould be great, energetic, and powerful. He explained that he was ſo far a republican, that

that he approved all Governments where the *res publica* was the universal principle, and the people, as under our constitution, had considerable weight in the Government. Mr. Fox concluded with declaring emphatically, that true aristocracy gave a country that sort of energy, that sort of spirit, and that sort of enterprize which always made a country great and happy.

Mr. Burke and Mr. Chancellor Pitt rose at the same time, but the latter persisting, Mr. Burke sat down.

Mr. Pitt.

Mr *Pitt* then said, that it was with great reluctance he had opposed the right honourable gentleman's being first heard, but as he had brought in the bill, and as the subject to which the right honourable gentleman, who had just sat down, applied, was extremely important, he felt himself peculiarly anxious to explain his sentiments upon it, immediately, while the opinion of the right honourable gentleman was fresh in the minds of the Committee. It was, he declared, with great satisfaction that he had heard a considerable part of the speech which the right honourable gentleman had just stated. He said, he rejoiced at it with the utmost sincerity, since doubts had been entertained of the right honourable gentleman's regard to our happy and excellent constitution which the cordial, and he entertained not the least hesitation to say, the sincere testimony of the attachment which the right honourable gentleman bore to the principles of our ancestors had completely removed. He was then proud of the advantage that he should derive from the support of the right honourable gentleman to resist any attempt that might be made contrary to our constitution. He rejoiced he said, to have a basis for the infusion of those principles, a mixture of the democratical, the aristocratical, and the monarchical, on which had depended the safety of our constitution, in preserving pure and entire the power given to the King, the people, and the country, on the maintenance of which depended our happiness and our future prospects. Aristocracy was, he contended, the true poise, as the right honourable gentleman had emphatically stated it, of the constitution; it was the essential link that held the branches together, and gave stability and strength to the whole; aristocracy reflected lustre on the Crown, and lent support and effect to the democracy, while the democracy gave vigour and energy to both, and the sovereignty crowned the constitution with authority and dignity. He joined, therefore, as far as that went, with the right honourable gentleman, and agreed with him that as much as possible of a constitution, deservedly the glory and happiness of those who lived under it, and the model and envy of the world, should be extended to all our

dependencies, as far as the local situation of the colony, and the nature and circumstances of the case would admit.

Where he differed with the right honourable gentleman was, with respect to the aristocracy proposed to be infused into the constitution of Canada, which he thought might be brought much nearer to our own, by other means than by those the right honourable gentleman had proposed. Our aristocracy, Mr. Pitt said, was not merely respectable on account of its property, though that undoubtedly was no small consideration in the scale of its respectability; but it was essentially respectable for its hereditary distinctions flowing from the Crown, as the fountain of honour. It was on that account not less the poise of the constitution, than if our aristocracy were elective; on the contrary, it was more so, because according to the known genius and spirit of our constitution, monarchy was the source from whence the other parts arose, and therefore the more near the aristocracy was to the Crown, consequently the more immediately congenial was it to the constitution itself, as originally adopted and planned by our ancestors. In that happy form, and constructed and preserved upon that wise principle, we felt the blessing of monarchy, aristocracy and democracy all united. He should lament, therefore, to create an aristocracy by a selection from property alone, or by making it elective, as in either case it would render the poise nearer to the people than it was to the Crown in the British constitution. He agreed, he said, with the right honourable gentleman, that we could not give all the respect to a new nobility, that belonged to an hereditary line of nobles traceable to antiquity, but we could give the same degree of respect to it as had accompanied the origin of our nobility, and succeeding ages would bestow all the rest. Mr. Pitt laid great stress on the circumstances of the hereditary honours being derived immediately from the Imperial Crown of Great Britain, which he considered as a matter of peculiar value. [Mr. M. A. Taylor having laughed out, while Mr. Pitt was expressing his satisfaction at finding that Mr. Fox's principles were constitutional, the Chancellor of the Exchequer took the present opportunity of saying, that he could not believe, even in the infancy of such honours, there was any thing that ought to provoke a smile.] With regard to the object of hereditary nobility, he conceived it could only be gradual; but he so far differed from the right honourable gentleman, that he thought there was something in the habits, customs, and manners of Canada, that peculiarly fitted it for the reception of hereditary honours; and in respect to Seignories, he said, he imagined that some of the Seignors were to be found of sufficient property and respect to make it fit that they should

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be among others named to those honours The extension of commerce and of wealth in the province, which there was every reason to imagine would follow the introduction of the new constitution, would make them hold a fair weight in that constitution, and imperceptibly clothe them with that respect and influence that ought to belong to the aristocratical branch of a free Government; and he was firmly persuaded, that the aristocracy flowing from the imperial Crown of Great Britain, would tend materially to strengthen the system of connexion between the colony and the mother country. The want of those honours, Mr. Pitt said, had tended to accelerate the separation of the former Colonies He declared, he neither wished the aristocracy to be dependent on the Crown, nor on the people, and therefore he was desirous of bringing it as near to the model of the British aristocracy as possible. He feared there was not enough at present to form an hereditary Peerage, and therefore we could only expect, it being an infant aristocracy, to bring it as near as circumstances would admit to our own, but they would gradually increase till all became hereditary. He took notice of the definition which Mr. Fox had given of his republican principles, and said, as far as a regard for all Governments that had the good of the commonwealth for their basis, there was scarcely a Government in Europe, that was not in some degree republican.

Mr.M A. Taylor.

Mr. *M. A. Taylor* got the start of Mr. Burke, though the latter gentleman was on his legs. Mr. Taylor said, as the right honourable gentleman had called him to order for an accidental laugh, he was anxious to say that it escaped him at hearing the right honourable gentleman express his satisfaction on finding his right honourable friend (Mr. Fox) was not so republican in his principles as he had imagined. Mr. Taylor contended that his right honourable friend had not manifested more constitutional principles that day, than he had uniformly supported throughout his political life. He instanced a proof of it, afforded on a day when the army was voted in the last Parliament, and mentioned other corroborative examples.

Mr. Burke

Mr. *Burke* began with observing on Mr. Taylor's having interrupted him, but had apologized for so doing, with great good humour on the subject. The honourable gentleman, he said, had laughed first, and communicated the laughter to others; he hoped, therefore, that as the House had possibly had their laugh out, they would indulge him with a patient hearing. Mr. Burke said, he had served the House and the country in one capacity or other twenty-six years, five and twenty of which he had spent within those walls. He had wasted so much of his life to a precious purpose, if that

House would at last countenance a most insidious design to ruin him in reputation, and crown his age with infamy. For the best part of the time, he said, he had been a very laborious and assiduous, though a very unimportant, servant of the public. He had not, he declared, been used with friendship; but if he was separated from his party, and left alone by them, he hoped to meet a fair open hostility, to which he would oppose himself in a firm manly way for the very short period that he should continue a Member of that House. He had felt deeply wounded, but *jam certus eundi, carpebat somnus.* With regard to the friendly censures that a right honourable gentleman had cast on him, he felt the difficulty that he had experienced the other night, in a peculiar degree at that moment, because if he should reply to what he had heard from the right honourable gentleman near him, on his idea of a Legislative Council for Canada, and should say that his sentiments were too democratical, he should then be liable to be pointed out as invidiously designing to prevent the right honourable gentleman's preferment, by describing him as unworthy of his Monarch's favour; and if, on the other hand, in observing upon the different suggestions of the right honourable gentleman over the way, he should state that they appeared to him to be too favourable to monarchy, then he might be said to have charged that right honourable gentleman with holding principles of despotism, which would render the right honourable gentleman liable to the disfavour of that House, and of the Crown, both of whom he ought to honour and respect. Mr. Burke said farther, that in consequence of the turn the conversation between a right honourable gentleman and himself had taken the other night, he had heard that there was an intention to make or take an occasion of imputing whatever he might say, to a base premeditated artifice on his part, to make the right honourable gentleman pass for a republican, in order that he might sooner get into power himself. He had found this design conveyed to him as a secret, but the very next day a plot! a plot! was cried out in one of the common newspapers, which was wholly ascribed to him. [Mr. Burke here read from a daily paper, an intimation that an account of such a plot had been received by the editor, but that for prudential reasons, he did not choose to print it.]

Mr. M. A. Taylor rose to call Mr. Burke to order, but was prevented by the gentlemen who sat next him.

Mr. Burke resumed his argument, contending that he had a right to be heard, while he endeavoured to clear himself from the foul conduct that had been imputed to him. Would the House, he asked, think he was a fit man to sit there

while under the imputation that he had described? If he had wished to attack the right honourable gentleman for his opinions respecting what had happened in France, he was free to do it any day he chose; as the right honourable gentleman had sufficiently often avowed those opinions in that House. Finding himself, without any cause, separated and excluded from his party, it was a loss which he severely felt; but while he felt like a man, he would bear it like a man. He denied that he had ever imputed democratic principles to the right honourable gentleman with a view to hurt him in the mind of his sovereign, and if he had pushed him to a declaration of his principles, the speech of the right honourable gentleman that day would prove whether he was likely to have attained his end, if he had wished to draw from him a declaration of democratic principles. In the conversation the other evening, the right honourable gentleman had said, he had written a book which he had thought it seasonable and proper for him to go about and reprobate in the whole, and in all its essential parts and principles, [a call of No! no! from the opposition benches.] He rose therefore to justify himself in the face of that House and of his country, and in the face of an adversary the most able, eloquent, and powerful, that ever was encountered, and he was sorry to perceive, the most willing to rake up the whole of his opinions and conduct, in order to prove that they were abandoned by him with the most shameless inconsistency. He avowed the book in all it contained; when he wrote it, he did it to counteract the machination of one of the most desperate and most malignant factions that ever existed in any age or country. He would still oppose the mischievous principles of such a faction, though he was unfortunate enough to stand alone, unprotected, supported with no great connexions, with no great abilities, and with no great fortune; and thus was he delivered over to infamy at the end of a long life, just like the dervise in the fable, who, after living till ninety in the supposed practice of every virtue, was tempted at last to the commission of a single error, when the devil spit in his face as a reward for all his actions. Had he, in order to support Monarchy, said, the other evening, that it was right to abuse every republican Government that ever existed? Had he abused America, or Athens, or Rome, or Sparta? But every thing had been remembered that he had ever said or written, in order to render it the ground of censure and of abuse. He declared he could not caution the House too much against what had passed in France, but he had not called that a republic; no, it was an anomaly in Government, he knew not by what name to call it, nor in what terms to describe it. It was

"A shape.

"———— A ſhape.
If ſhape it might be called, that ſhape had none
Diſtinguiſhable in member, joint, or limb;
Or ſubſtance might be call'd that ſhadow ſeem'd,
For each ſeem'd either; black it ſtood as night,
Fierce as ten furies, terrible as hell,
And ſhook a dreadful dart: what ſeem'd his head,
The likeneſs of a kingly crown had on.
With wide Cerberian mouths full loud, and rung
A hideous peal."

It was, he added,

"A ſhapeleſs monſter, born of hell and chaos."

After having repeated theſe emphatical lines, Mr. Burke, obſerved that the right honourable gentleman's words had gone deep to his heart, when he had told him, "he knew "how to draw a bil of indictment againſt a whole people." He knew not how to draw any ſuch indictment; but he would tell the Houſe who could, viz. the National Aſſembly of France, who had drawn a bill of indictment againſt the people of St. Domingo. He could draw a bill of indictment againſt murder, againſt treaſon, againſt felony, or he could draw ſuch a bill againſt oppreſſion, tyranny, and corruption, but not a bill of indictment againſt a whole people. After a great deal of remark and complaint on the ground of matter perſonal to himſelf, Mr. Burke at length came to conſider the ſubject of the clauſe before the Houſe, and declared that the right honourable gentleman oppoſite to him (Mr. Pitt) had ſpoken his ſentiments much better and more eloquently than he could have done himſelf on that ſubject. In a Monarchy, he declared the ariſtocracy muſt ever be nearer to the Crown than to the democracy, becauſe it originated in the Crown as the fountain of honour, but in thoſe Governments which partook not of any thing monarchical, the ariſtocracy there neceſſarily ſprang out of the democracy. In our own conſtitution undoubtedly, as the right honourable gentleman had well defined it, continued he, our ariſtocracy was nearer to the Crown than the people, becauſe it reflected the honours of the ſovereign. He muſt agree that a King of England was the root of the conſtitution, whereas in France, he was only, as he had been made to ſtate himſelf, the firſt Miniſter. A King of England might, if he choſe it, ſelect any perſons, however improper objects for honours; but he did not do ſo, becauſe it would, as he well knew, bring his Crown into contempt; and therefore he exerciſed his prerogative in that reſpect cautiouſly and prudently. But could the King of France create nobility? He could not, becauſe

he

he was himself degraded, and a prisoner; his orders, therefore, would not be respected, which ought ever to be the first attendant on nobility. Mr. Burke went much at large into the constitution of the House of Lords, declaring that the honour of a Duke, a Marquis, an Earl or a Viscount, were severally familiar to us; we knew the nature and origin of those honours. With us the Crown was the fountain of honour; in other constitutions, the people said they themselves were. He spoke of the power of the Crown to create a new order, as it had done in Ireland, and, he said, let the title given to the hereditary nobility in Canada, be what it might, there could be no manner of doubt that those whom the King designed to honour would have more or less respect. Mr. Burke took notice of the suggestion of Mr. Fox, of having the Council elective, which he owned he had put forcibly, because that right honourable gentleman never said any thing that was foolish, but he had gone beyond his point, it was true, we could not have in Canada ancient hereditary nobility as we had here, because we could not make that one hundred years old that was made but yesterday, but an elective Council would clearly be a democratical Council.

He next spoke much at length of the various sorts of governments that had obtained in different colonies; in some there were Councils, others again had been a Government by charter, consisting of a Governor and a company, in which case the settlement was governed by the Governor and freemen. He mentioned in particular the Mississippi scheme, which had been of that nature, and quoted Douglas's remarks upon it. He spoke of mere wealth alone as not a good ground for aristocracy, though wealth, he admitted, was a material thing in it. Undoubtedly, he said, there might be titles, and baronetage, he thought, not an unfit one, as it was a species of hereditary honour, though not a Peerage, but in all those things, Mr. Burke said, they must refer it to experience. He spoke of the various constitutions that had prevailed in our own Colonies before we left them; that which approached nearest to perfection, he said, had been that of Massachusets, and yet the province rebelled; and so did the others, where different forms of Government prevailed. He did not therefore attribute the loss of our colonies to any one form of constitution for them; that form was undoubtedly the best under which they were the most flourishing and happy. He pointedly condemned what he called a close aristocracy, which he said, would prove a dead weight on any Government, counteracting and ultimately clogging its action; he recommended above all things an open aristocracy, and said, he had always thought the Crown having it in its power to make an Admiral, who had distinguished himself, a Peer,

Peer, and decorate the old nobility, by the infusion of new ones, occasionally, upon account of their merit and their talents, one of the first and most excellent principles of the British constitution. Having much at large spoke to the clause before he returned to a consideration of himself, he said, left alone as he was, he hoped the House would not consider him as a bad man, though he was excommunicated by his party, and was too old to seek another. If his book stood an object of odium, he might possibly belong to a faction, but not to a party; and consequently could be of less use to his country. He defined the distinction between a party and a faction. A party, he said, he had ever understood to mean a set of men, bound and united by principles to act together in watching over the conduct of Ministers, and taking care that nothing should be done that was likely to prove injurious to the constitution; whereas a faction did not draw together upon any known principles, but was devoid of all principle of union and common interest. He said, his mentioning disciplined troops had been deemed uncivil, when he meant no incivility. Discipline he had ever considered as one necessary quality of party, and he trusted he had ever shewn himself reasonably a friend to discipline, which was that sort of connexion which made men act together as a compact body, having one common object, and professing to feel it in common with their leader. In that sense he had meant the word discipline the other evening, and he trusted the gentlemen of the party, that had excluded him, would with their usual fairness continue to act against their common adversaries, on the common principles of public good, and not direct their weapons against a poor unfortunate man who had been twenty-six years exerting his best endeavours to serve his country.

He gave an account of his first entrance into Parliament; declaring, that he remembered that the first question he ever brought forward, he lost; the next he attempted, was to oppose the taking off the duty of one shilling from the land tax, being of opinion, perhaps weakly, that it was necessary to keep up the taxes, although it was peace, in order the sooner to reduce the debt of the country, and nothing could prevail on him to abandon his purpose. He had mentioned, at the time, that he had laid his political principles very low, in order that they might stick by him, and he by them, all his life. He had done so, and he had seen, on one occasion, two great parties join against him, who had never acted together before, viz. Mr. Grenville's party, and the late Lord Rockingham's. He had then persisted, with the same pertinacity, as he had supported his unfortunate opinions on the French revolution. He complained of being obliged to stand

upon

upon his defence by that honourable gentleman who, when a young man, in the vigour of his abilities, at the age of fourteen years, had been brought to him, and evinced the most promising talents, which he had used his best endeavours to cultivate; and this man who had arrived at the maturity of being the most brilliant and powerful debater that ever existed, had described him as having deserted and abandoned every one of his principles.

He said, that at a time when there was not a plot indeed, but open and avowed attempts made by clubs and others, to circulate pamphlets, and disseminate doctrines subversive of the prerogative, and therefore dangerous to the constitution, it was unwarrantable for any good subject to be day after day holding out a parade of democracy, in order to set a mob raging against the Crown. It should not, and it ought not to be. The perpetually making violent and flaming panegyrics on the subject of what happened in France, he condemned as dangerous; and he said, he now supported the Monarchy, not that he thought it better than the aristocracy or the democracy, but because it was attacked and endeavoured to be run down. In like manner when Lord George Gordon acted as a firebrand, and caused the proud city of London and of Westminster to bow its head to its very base, if they had joined in the cry against popery, was it not clear that they would have done infinite mischief? and yet he believed neither of the two right honourable gentlemen, nor himself, were suspected of a violent attachment to popery; but was that the hour to stand up for protestantism? If they had been rash enough to do so, they must know that they would have clapped a firebrand to the pile, and not only the metropolis, but all England would have blazed. Let them take warning by that event. Let them recollect that the mere suggestion that forty thousand persons could not assemble in a room, for none was large enough to hold them, which appeared ridiculous and contemptible at first, had produced in one day, such dire terror and alarm, that all ranks of people felt indescribeable apprehension, and knew not whither to fly for safety. Just so there was at present a run against Monarchy, which was said to be the child of his wild ungoverned imagination: let them not rest securely on such a conception, but take care in time to prevent the possible effects. In what he had said upon the subject, he was conscious he had done his duty, and he hoped he had averted what unnoticed, might have tumbled the British constitution in ruins. That being the case, separate and unsupported as he was, let not the party that had excommunicated him, imagine that he stood deprived of every comfort; though all

all was solitude without, there was sunshine and company enough within.

Mr. Fox. Mr. *Fox* said, in reply, that however the right honourable gentleman might be unkind enough to impute democratical or republican sentiments to him, he could assure him that his sentiments, whether about religion or any other topic, always made a due impression on his mind. He said, that he did not like bestowing fulsome and unnecessary praises on the English constitution; they reminded him of a passage in one of our best poet's best plays; he meant, he said, King Lear; who asks his three daughters how much they love him? Goneril and Regan answer him in terms of the most extravagant and studied panegyric; but when he puts the same question to Cordelia, she answers just as he would answer the same sort of question, if it were put to him respecting the constitution, when he should say, he loved the constitution of Great Britain just as much as a subject of Great Britain ought to love a Government under which he enjoys such blessings. They were all, Mr. Fox said, bound to love a constitution under which they lived happily, and whenever it should really be attacked, all he should say was, that he would not be found the most inactive in its defence. With regard to the right honourable gentleman's declaration, that he was separated from the party, if he was so separated, it must be his own choice; and if he should repent that separation, he might be assured his friends would ever be ready to receive him, to respect him, and to love him, as heretofore. With regard to the situation of the Seignories in Canada, the right honourable gentleman had shewn himself weak in that part of his argument, and had evaded an answer; and the right honourable gentleman on the same bench with him was utterly and completely ignorant of the fact, he did not mean ignorant in an invidious sense of the word. Let the two right honourable gentlemen enquire farther, and they would find that he was right in his declaration, because there was no stuff to ingraft hereditary honours upon, no rank of persons at all qualified to receive those honours. The right honourable gentleman near him, Mr. Fox observed, had said he preferred an open aristocracy to a close one; he would shew that the sort of aristocracy that he had recommended, could not be a close aristocracy, which he disapproved as much as the right honourable gentleman himself. With regard to the declaration of the right honourable gentleman near him, that the whole must be governed by experience, experience was undoubtedly a very good general guide in most matters, but it was rather a strange argument to resort to in the present instance, for which there never had existed a precedent. There was no colony, ancient or modern, that ever

ever had precisely the same constitution: it resembled that of some of the American States, but that of Massachusetts the most nearly of any.

Mr. Fox then took notice of Mr. Pitt's having said, that his principles were so far republican as he had described. Mr. Fox declared he had no difficulty to admit that his principles were so far republican, that he wished rather to give the Crown less power and the People more, where it could be done with safety, in every Government old or new; and from that principle it was, that whenever any bills for that purpose had been introduced, he had given them his support, and the right honourable gentleman opposite to him, he observed, had maintained republican principles, according to his own mode of defining the word republican; for he had made several propositions of that kind to the House, and it was well known that the right honourable gentleman near him had done the same; they were equally chargeable, therefore, with republican principles; and to the extent that he had described, Mr. Fox said, he was extremely willing, nay, desirous, to remain chargeable. With regard to foreign colonies, he was of opinion that the power of the Crown ought to be kept low. It was impossible to foresee what would be the fate of distant colonies, at a distant period of time; but in giving them a constitution, his idea was, that it was our interest, as well as our duty, to give them as much liberty as we could, to render them happy, flourishing, and as little dependent as possible. We should make the free spirit of our own constitution applicable, wherever we could render it so; and if there was any risque or danger in so doing, he was persuaded the danger was not greater on one side than on the other; indeed, he thought the more despotic the constitution we gave a colony, the more we made it the interest of that colony to get rid of such constitution; and it was evident the American States had revolted, because they did not think themselves sufficiently free.

Mr. Fox summed up this part of his argument, by declaring, that he was decidedly of opinion that the constitution of this country was more liable to be ruined by an increase of the power of the Crown, than by an increase of the power of the People. He next took notice of what Mr. Burke had said of inflammatory publications; if any dangerous doctrines were disseminated in pamphlets, he said, it behoved the Government to look to them, and in case the law officers of the Crown failed in doing so, it was then the duty of that House to remind the Ministers of their neglect. He owned, however, that for his part, he was of opinion that free discussions of the principles of the constitution ought to be suffered; if the constitution had opposers, it would

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alſo have advocates, and the more it was diſcuſſed the better. He hinted that it was miſuſing the functions and privileges of that Houſe, for any Member to come down, and by holding long diſcourſes, perſonal to himſelf, and relative to imaginary plots, which he (Mr. Fox) really believed had no foundation in fact, prevent a Committee from doing its duty, and examining the clauſes of a bill of great importance. It was their duty alſo to look to the conduct of the executive Government, to watch and examine the meaſures of Miniſters, and to guard, check, and control the public expenditure. For any gentleman to ſuppoſe, that by the authority of diſcuſſions on perſonal topics in that Houſe, what he ſaid there would have any effect on public opinion, reſpecting a matter to which they had made up their mind, he believed it would be found a vain and fruitleſs expectation.

Mr. Burke. Mr. *Burke* roſe in reply, and began with retorting on Mr. Fox for what he had ſaid reſpecting the eulogies on the conſtitution. He ſaid, they were at leaſt as uſeful as that right honourable gentleman's almoſt daily profeſſions of admiration for the revolution in France. As the right honourable gentleman had thought proper to appeal to a paſſage from one poet in praiſe of the conſtitution, he would take the liberty of remembering another line from another poet,

——*Qui non defendit, alio culpante.*

Mr. Burke alſo told a ſtory of a Lacedemonian, who obſerving a man for ever praiſing Hercules, aſked who blamed him? ſince he thought he was going to be put to the diſtaff, or ſomething worſe than all his labours. He referred to the books that were in circulation, and ſaid, there was ſerious cauſe for alarm, when aſſociations publicly avowed doctrines tending to alienate the minds of all who read them from the conſtitution of their country, eſpecially at a time when it was notorious that it was ſyſtematically run down abroad, and declaimed againſt as the worſt in exiſtence. He again reminded the Committee, from how trivial a commencement Lord George Gordon's riots began, in conſequence of which London had bowed its head ſo low. Mr. Burke ſaid, he had never deſired any books to be proſecuted, but the right honourable gentleman near him had more than once. He took notice of what had been ſaid, that if he would repent, he would be received. He ſtood, he ſaid, a man publicly diſgraced by his party, and therefore the right honourable gentleman ought not to receive him. He declared he had gone through his youth without encountering any party diſgrace; and though he had then in his age been ſo unfortunate as to meet it, he did not ſolicit the right honourable gentleman's friend-

friendship, nor that of any man, either on one side of the House or the other.

Mr. *Martin* expressed his surprise at Mr. Burke's having said that certain societies had circulated doctrines and pamphlets relative to the constitution, the doctrines of which he reprobated as foolish and adulatory. The right honourable gentleman in particular had mentioned by name the Constitutional Society, the Revolution Society, and, what was rather strange, the Unitarian Society. Mr. Martin said, so far from thinking he had any cause to be ashamed of belonging to the Constitutional Society, it was his pride to be a member of it; persuaded as he was that they acted upon motives too pure to merit reprehension; and surely, no gentleman would think a society, instituted to commemorate the revolution, illaudable. He said, that the other day he had taken up a volume of Locke on the Human Understanding, from which he would read a short extract, which appeared to him to be apposite to the present times. This extract he read; the object of which was, to state that innovation was not the less founded in truth because it was new. Mr. Martin added, that Mr. Burke's reflections had called forth many comments, and amongst them an excellent pamphlet from a gentleman, formerly a Member of that House; he said he meant Mr. Rous, who proved himself to entertain sound constitutional principles.

Mr. Martin.

Mr. *Wilberforce* complimented the Constitutional Society, declaring that he believed them more likely to repress than to excite clamour or commotion. Having said this, he desired to know from Mr. Fox, whether he intended his elective Council to be for life, or for a term of years?

Mr. Wilberforce.

Mr. *Fox* said, he had not decided upon that point, but he rather inclined to constituting them for life.

Mr. Fox.

Mr. *Wilberforce* objecting to this, said, that let the elective Council be for life, or for a term of years, in the one case they would clog the prerogative, and deprive the subject of its protection; in the other point of view, it would be a democracy under another name, and give the popular branch of Government too much power; whereas if they adopted an hereditary Council, they would form an open aristocracy, and though at first produce only saplings, in a course of years they would become forests, capable of bearing up against any innovation, either of the Crown or People.

Mr. Wilberforce.

A few words more passed between Mr. Fox and Mr. Pitt, after which the question was put, and the clause passed.

The House adjourned.

Thursday, 12th May.

Some motions having been made, and a pause taking place in the business of the House,

Mr. Martin. Mr. *Martin* got up, and said, that unless some good reason could be assigned for the thin attendance of the House, and the absence of His Majesty's Minister at that late hour, he would move for an adjournment.

Mr. Rose. Mr. *Rose* said, in reply, that the private business had been just concluded; that the Minister had been in the House some time since, but finding no appearance to detain him, had taken the advantage to retire a few minutes. He was surprised, therefore, that the honourable gentleman would make such an attack upon him in his absence.

Mr Martin professed that he meant nothing personal.

Mr Grey. Mr. *Grey* declared his regret, that by withholding his motion a minute, he should have given an honourable gentleman occasion to complain of the interval of business. He then proceeded to state his motion for the relief of insolvent debtors, in pursuance of the notice he had yesterday given. He said that the law of debtor and creditor in this country was condemned universally, and with justice. Whether they considered the practice of confining for debt, men who had no means of discharging such debt, or, on the contrary, fraudulent debtors, whose creditors by no process could compel them to pay; these circumstances were sufficient for inducing the House to institute an inquiry into the state of the laws relating to debtor and creditor. He moved, therefore,

"That a Committee be appointed to enquire into the practice and effects of imprisonment for debt."

"That five persons be a quorum.

"That they have power to send for persons, papers, and records.

"To sit, notwithstanding any adjournment of the House.

"That the Committee have power to adjourn from place to place."

Mr. Burke seconded the motion.

Attorney General. The *Attorney General* said, that to every gentleman it must be obvious, that in a commercial country, the chapter of debtor and creditor could not but be very copious. It was of much importance to the country at large, and particularly to a number of their fellow citizens, that there should be an inquiry as extensive as the motion of the honourable gentleman. The House would be able to furnish a large mass of information on the subject, and would prepare for taking into their serious consideration and deliberation what could be done. In the jails of this kingdom, it had been stated, that there were between three and four thousand persons confined for

for debt, and if to this number were added their wives and children, they would at least amount to ten thousand.

There were, Mr. Attorney General observed, two or three points which he wished to state shortly to the House. In the first place, he begged they would look to an object of consideration which sometimes escaped the attention that was due to it; he meant the situation in which the creditor stood. There were many creditors in this kingdom who could not possibly recover one shilling from an opulent debtor, if that debtor chose to remain in prison; this, Mr. Attorney said, was contrary to all the principles of common sense and common justice. On the abstract circumstances of insolvency, it might be enquired how far a creditor had a right to have the person of his debtor as an hostage, while his debt was unsatisfied, though after the debtor had parted with his uttermost shilling; but, it was quite a different consideration, whether a man was insolvent, or whether he was a knave? If he was a knave, and lived by imposition, let him be punished as a knave; but the single circumstance of not being able to discharge his debts was a very different thing, and was a circumstance that might happen to any man of the fairest prospects, and most upright character. The case of the debtor, therefore, was well worthy the consideration of the House; and it must be owned, that they had been rather to blame in not having sooner sufficiently looked at the case of the creditor. The House would take both parts of the question into consideration: they would reflect on the state of persons in trade, of gentlemen, and of men of all professions and descriptions. He strongly suspected there was some vice in the laws of this country respecting debtor and creditor. It was a most shameful thing to state, but it was a fact, that in one of the jails, which was but a few hundred yards from the place where he was speaking, some of the prisoners were wallowing in luxury, and indulging themselves in every species of profligacy. While one class of prisoners was confined for small debts, another class kept their creditors at arms length: he was convinced therefore, that there must be something unsound in some part of the system of our laws relative to debtor and creditor: and it was his wish to probe it to the very bottom. He thought it was right, and consonant to the principles of natural equity, that the debtor should pay the creditor every shilling he possessed; but after he had done that, it might be made a question how far the person of the debtor should continue as an hostage to the creditor for the remainder of his debt. These were, Sir Archibald observed, important considerations, and their discussion and examination would occupy a great deal of time. In his opinion, the mode the

House had adopted of instituting an enquiry into the subject, was the proper way of proceeding in the business. When the House entered upon it, it would soon be seen if any thing could be effected, and what ought to be done. Although he was completely inimical to an insolvent act, he reluctantly confessed, it had frequently been found to be a necessary remedy. An insolvent act, the Attorney General said, was, in his opinion, an encouragement to gambling, and to every species of profligacy. Doubts, he said, had at different times been entertained whether insolvent debtors should not be liberated from jail; but experience manifested, that their liberation had ever been attended with the worst consequences. These considerations put together, he conceived were sufficient to furnish strong ground to institute an inquiry into a subject so important. Before he sat down, he wished to suggest, that as a part of the business, it would be necessary to establish some new plan for the regulation of their jails.

Mr. Burke. Mr. *Burke* rose, and thanked the honourable and learned gentleman for his excellent speech. The public, Mr. Burke said, were extremely obliged to the honourable and learned gentleman for such exertions of judgement, prudence and humanity, which latter constituted, as every body knew, so striking a feature in his character. The public were also under many obligations to the honourable gentleman who had undertaken to bring forward so great, so laborious, and so delicate a business. It would be necessary for him, in this case, Mr Burke said, to sift the false pretences of persons, and to make a nice discrimination between what was real and what was affected. He never had an opportunity of bringing forward this subject himself, though he was always ready to give his best assistance to those, of greater weight, by whom it was undertaken. The motion furnished an awful monument of the difficulty of giving a definition of law.

It had been said that it was a state of liberty in society, to be governed by law. They had, Mr Burke said, not only their prisons full, but they had a commonwealth of debtors, a commonwealth of prisoners; a commonwealth as numerous as many that had subsisted in ancient history. These prisoners were not distinguished from slaves, but actually were slaves, existing in a country valuing itself on its laws, and boasting its freedom, but in which they endured a greater portion of slavery than ever had been exercised by the most despotic powers. It certainly was a blemish of our law to produce all the effects of the most horrible tyranny, and likewise all the effects of the most abject slavery. It was a paradox strange and irreconcileable. One thing, he wished

to

ed to suggest to the right honourable gentleman, which was, that it was not to be held, that this business was in all cases connected with commerce: the contracting of debts often happened among the lower classes of men in the common transactions of life, and were deemed civil suits, founded on false credit; commerce was too wise and too cautious to act upon such a fallacious principle; in cases of commerce, the creditor only wished to secure the *cessio bonorum*. Not only the trading part of the community, therefore, but every man in the kingdom was deeply interested in the enquiry: if the system of laws on the subject was a wrong one, it affects every body. If any alteration was introduced with regard to the imprisonment of insolvent debtors, it would be said, perhaps, that such alteration would affect public credit: he denied it. It would make men cautious, and would tend to protect them. There was no such thing, Mr. Burke said, as a corps of debtors, there was no such things as a corps of creditors; debts were contracted by the rash and inconsiderate credit that was given. The power of a creditor to seize the person of his debtor was like a person grasping at real money, but finding his hand full of assignats. He hoped the subject would be examined on the just and fair foundation of public credit; he hoped they would examine it on the fair examples of debtor and creditor. Debtor and creditor should never, he said, be separated; they were one person, and what was for the benefit of the one, was evidently for the advantage of the other. Besides, Mr. Burke observed, were they had one man in jail, they had two or three that were in daily terror of imprisonment. If there were ten thousand in prison, there were at least thirty thousand people shut out from the means of getting their bread, and either were in the prison of the mind, or in the prison of terror. How many persons were there, who existed in the prison of flight, and in hiding places; who were a loss to society, and a dead weight on the community! Thirty thousand at least were in that predicament. This, therefore, was a subject highly worthy of the wisdom and humanity of the honourable and learned gentleman and also highly honourable to a young gentleman, (Mr. Grey) of very great abilities, who had taken it up, and had made the motion. Mr. Burke concluded with observing, that it was a disgrace to the law of this country, to say that it had imprisoned more than the most absolute power had done in any other country.

Mr. Bernard.

Mr. *Bernard* wished to know whether the honourable gentleman who had made the motion entertained the same opinion on the subject as the Attorney General did?

Attorney General.

The *Attorney General*, in reply, said, that he was extremely anxious not to be misunderstood on the subject. The inquiry

would lead them into the consideration of some of the deepest and most abstruse parts of the law, and if any gentleman thought the inquiry would be soon finished, he could assure him he would find himself much disappointed. He should not be surprised if it were to be late in another session of Parliament before they got to the conclusion of the business. He also wished to be distinctly understood that in what he had been saying, he meant nothing like an insolvent debtors bill.

Mr. Grey.

Mr. *Grey* said, he undoubtedly entertained the same opinion on the subject as the honourable and learned gentleman; and, with respect to an act of insolvency, so far was he from entertaining any intention of proposing one, that one of the principal objects of the enquiry he had moved to institute, was, to prevent the necessity of such a measure in future. And, although he was aware of the extent of the subject, he was extremely anxious if possible to get into a Committee, to enter into immediate argument, and to lose no time but to proceed with all possible expedition, and even soon to be able to apply a remedy to some of those evils that had been stated.

Mr. Jekyll

Mr. *Jekyll* was extremely happy that the motion was brought forward. The Committee might soon make a report, which would be fit for the consideration of that House; and although he acknowledged, that he was not very conversant in the journals of Parliament, he believed there was a similar Committee moved for in the year 1740 or 1750. They might look into the proceedings of that Committee which would probably throw some light upon the subject.

Attorney General

The *Attorney General* said, that nothing could be more hurtful, or lead to worse consequences, than an idea, that the prison doors would soon be thrown open, and provision made for the delivery of all insolvent debtors. And while none could be more desirous than he was of the benefits to be reaped from the motion, or eager to promote them, none could be more apprehensive of such an idea, or solicitous to guard against its consequences.

The question was then put and carried. And the Committee, appointed to make the inquiry, consisted of the following gentlemen, Mr. Grey, the Chancellor of the Exchequer, Mr. Fox, &c.

Mr. Powys having moved the order of the day for the farther consideration of the offenders bill, he farther moved, that the word "now" stand part of the question.

Mr. Mainwaring.

Mr. *Mainwaring*, upon this, rose, and after repeating his former arguments against the bill, viz. that it would entail a heavy

a heavy expence on the several counties, and that it was unnecessary, as the same matters were provided for by the 24th of the present King, moved, by way of amendment, "that the bill be committed for that day three months."

Sir *William Yonge* seconded the motion, and assigned his reasons at some length for opposing the bill.

Sir W. Young.

Mr. *Wilberforce* said, he considered it as an hardship upon those who had erected penitentiary houses, to have poured in upon them an inundation of convicts from the country jail. It would render these institutions useless, and operate as a discouragement to their founders.

Mr. Wilberforce.

Mr. *Vansittart* thought the whole bill unnecessary, and already provided for by former acts.

Mr. Vansittart.

Mr. *Baker* said, that the sentence of transportation, whether for seven or fourteen years, was now inevitably for life. New South Wales was that shore from whose bourne no traveller could ever return. He advised the bill to be put off for this session, till its principle could be rendered more intelligible.

Mr. Baker

Mr. *Powys* said, the same bill had been received without opposition last year. Instead of its having a tendency to spread contagion, one of its chief principles was, to keep different convicts separate. Whether the jail or the penitentiary house, it required the prisoners to be kept separate, and employed in hard labour. It created no new expences; it only incurred expences which were already created. The other acts on the same subject were not in force, and fell short of the ends of this bill.

Mr. Powys.

Mr. *Jekyll* in support of the bill, produced a paper stated to be "a list of the prisoners under confinement, and sentenced to hard labour in the castle jail and bridewell of the county of Oxford, with an account of the earnings, expence of maintenance, materials for work, cloaths, overlooking, &c. from the 1st of January 1789, to the 1st of January 1790," whence it appeared that eighty prisoners had earned in that time,—

Mr. Jekyll.

	£.	s.	d.
	383	11	7
Their total expence had been	263	19	0
Balance saved to the county, over and above every expence — — —	119	12	7

Mr. Jekyll commented upon this as a matter well worthy the serious attention of the House, since it proved that the example, if followed in every county in the kingdom, and managed with the same exertion and attention, which it had experienced in the hands of the keeper of Oxford castle, would doubtless prove equally successful, and produce many beneficial consequences.

Mr. Harrison spoke for the bill's being committed.

The House divided, when the numbers were,

Ayes (for the bill being committed then) 18; Noes, 63.

The bill was therefore lost.

As soon as the division was over, Mr. Powys having moved for leave to bring in a bill "for better regulating of "jails, and other places of confinement," with a view to secure and preserve the second part of his bill the motion, after a short conversation, was agreed to.

Mr. W. Smith.

Mr. *W. Smith* rose in consequence of the notice he had given two days preceding, of his intention to make a motion on the subject of the terms in which a particular topic had been handled last Friday, which he said he had felt to be unpleasant, and believed to be disorderly. Mr. Smith said, his sole object had been to induce gentlemen to treat certain topics in decent and more temperate terms than had been the case last Friday. He had been persuaded, that the rule would obtain when the same topics would be again discussed, as they had been last Tuesday, and he was sorry to say in as violent and as unrestrained a mode of expression as before. He had since doubted whether he had better say any more about the subject or not; but having given notice of his intention to the House, and not liking to hear public assemblies of magistracy, like that House, or the assemblies in our colonies treated with disrespect, he had shewn a right honourable gentleman, whom he did not then see in his place, a passage in a pamphlet, the statement of which he thought, as his object was only to obtain decent language, would, if read to the House, sufficiently answer his purpose; he would therefore read it instead of a motion; the words were in effect, that "to talk disrespectfully and harshly of public "assemblies, for a wise man it was not decent, for a sober "man it was not temperate, and for a mild man its was not "humane."

The order of the day having been moved by Mr. Chancellor Pitt, for resuming the Committee on the Quebec bill, and the same having been read accordingly, the Speaker left the Chair, and Mr. Hobart took his seat at the table.

The Committee then proceeded to fill up the several blanks in the clauses, beginning with page 7 of the printed bill. As the conversation was for the most part loose and desultory, we shall only give an account of the manner in which the blanks were filled up, without entering into a detail of the observations that were made, except where they require notice.

Mr. Pitt.

Mr. Chancellor *Pitt* having proposed, that the number of Members to be chosen for the House of Assembly in Upper Canada, should not be less than sixteen.

Mr.

Mr. *Fox* rose, and objected to the number. He contended that after so much had been said about obtaining a proper aristocracy for that colony, on the preceding days, they were not now to lose sight of giving it a proper share of democracy likewise, which was allowed on all hands to be requisite. Sure he was, that sixteen was a good number for an aristocracy, but by no means for a democracy. He was perfectly aware that it was idle to expect, or to maintain, that in a representative House the number of the elected ought to bear a strict analogy to the number of the electors. He knew there was no necessity for it; and that 558 Members of that House were just as good a representative of the people of England, amounting to eight millions, as any larger number whatever; but if they were legislating for a much more populous country, (France for instance) he did not believe he should be told that 558 Members were fit representatives for the people of France. Mr. Fox thought sixteen by no means enow to form any thing that could bear the name of a popular Assembly; he should rather have imagined that one hundred would have been the number, if one hundred fit Members of Assembly could have been obtained in Upper Canada.

Mr. Fox.

Mr. *Pitt* said, as there were not above ten thousand individuals in Upper Canada, (including men, women, and children), he thought sixteen in the present state of the province was about a reasonable proportion of those who were fit persons to be chosen Members of the House of Assembly, and could spare time enough for due attendance. The blank was filled up with the word sixteen. It was here observed by Mr. Pitt, that the bill did not limit the number of Members to sixteen, but only shewed that it ought not to be less than sixteen.

Mr. Pitt.

The number of the Members of the House of Assembly in Lower Canada was moved to be filled up with the word thirty.

Mr. *Fox* condemned such a nomination as infinitely too small. To transmit the British constitution to all the colonies of Great Britain, Mr. Fox said, he well knew was impossible; but to pretend to do any thing like it, and to name thirty persons as a popular Assembly representing 100,000, was so gross a fallacy, that he hoped it would no longer be attempted to be said that we gave Canada even a sketch of the British constitution, or any thing like it.

Mr. Fox.

Mr. *Powys* said, the number of inhabitants he understood amounted to 150,000.

Mr. Powys.

Mr. *Bernard*, in answer to Mr. Powys, said, that was supposed to have been the number of inhabitants in the whole province of Canada before it was attempted to be divided.

Mr. Bernard.

Mr.

Mr. Dundas. Mr. *Dundas* ſaid, they could not pretend to give Canada the ſame conſtitution as they themſelves lived under; all they could do was to lay the foundation for the ſame conſtitution, when encreaſed population and time ſhould have made the Canadians ripe to receive it, and to enjoy the ſame bleſſings.

Mr Fox. Mr. *Fox* inſiſted on it, that an Aſſembly, conſiſting of thirty, as the repreſentative of 100,000, might be an excellent Aſſembly, a wiſe Aſſembly, a virtuous Aſſembly, or an enterpriſing Aſſembly, but it could not be called a popular Aſſembly.

Mr. Martin. Mr. *Martin* wondered that Mr. Dundas ſhould argue, that the conſtitution would be ruined by a more equal repreſentation. Did he wiſh the Aſſembly in Canada, Mr. Martin aſked, to reſemble ſome repreſentative bodies in other countries, where there were ſham elections, and footmen dreſſed up in their maſters' cloaths, and ſent to Parliament?

Colonel Simcoe. Colonel *Simcoe* read an extract from an American paper, to prove that the congreſs thought a very ſmall number ſufficient for the members forming the Houſe of Aſſembly for a weſtern province, and that two or four would be enow to repreſent Montreal and Quebec.

The qualifications of electors were moved, and agreed to, at forty ſhillings for freeholders, in whom the choice of members for diſtricts, counties, or circles to lay.

Electors of members of towns or townſhips to poſſeſs a dwelling houſe, or lot of ground, of the value of five pounds yearly, or if reſident within the ſaid town or townſhip, for the ſix months before the date of writ of ſummons, for the election, to have paid ten pounds rent.

The duration of the Houſe of Aſſembly was fixed for four years, inſtead of ſeven, as originally propoſed; and the right of appeal, inſtead of being firſt to the Privy Council, and then to the Houſe of Lords, was reſtricted to the Privy Council only.

When they came to the clauſes reſpecting the clergy, Mr. Fox begged an explanation, of both the clauſes, pages 13, 14, 15.

Mr. Pitt. Mr. Chancellor *Pitt* ſaid, that he firſt gave the Governor and Council a power under the inſtructions of His Majeſty to diſtribute out of a ſum ariſing from the tythes for lands or poſſeſſions, and ſet apart for the maintenance and ſupport of Proteſtant clergy, in order to give them a competent income, and the ſecond clauſe, he ſaid, provided for the permanent ſupport of the Proteſtant clergy, a ſeventh proportion of the lands to be granted in future. He declared that the meaning of the act was to enable the Governor to endow, and to preſent the Proteſtant clergy of the eſtabliſhed

ed church to such parsonage or rectory as might be constituted or erected within every township or parish, which now was or might be formed, and to give to such Protestant clergyman of the established church, a part, or the whole, as the Governor thought proper, of the lands appropriated by the act. He further explained, that this was done to encourage the established church, and that possibly hereafter it might be proposed to send a bishop of the established church, to sit in the Legislative Council.

Mr. *Fox* disagreed with the whole of this plan. He said, he thought the Roman Catholick religion ought to be the established church of the colony, or the Presbyterian (that of the Kirk of Scotland, he conceived, setting aside a seventh part of the lands granted for the maintenance of the Protestant clergy, was too great an allotment, and that the idea of sending a Bishop of the established church of England to sit in the Legislative Council, was in every point of view unjustifiable

Mr. Fox.

Mr. *Duncombe* was of opinion that setting aside a seventh of the lands granted for the maintenance of the clergy was too much

Mr Duncombe

Mr *Ryder* by way of explanation said, that the meaning was, when His Majesty granted six acres in any of the new townships, an acre was to be set aside for the clergyman presented by the Governor to the parsonage or rectory, for the first year or two, as the clergyman would have the ground to clear and cultivate, he probably would be greatly underpaid

Mr. Ryder.

Mr. *Fox* still censured the whole plan, and reminded the House that Mr. Dundas had two evenings since boasted that the security of the Kirk of Scotland was its being erected on the rock of poverty; according to the provisions of the bill, Mr. Fox said, even the clergy of the Kirk would have larger incomes in Canada than in Scotland.

Mr. Fox.

Mr. *Dundas* gave an historical detail of the mode of proceeding by which the clergy in Scotland were supported. The fund out of which they were paid, he said, was created in the last century; when the whole tythes of Scotland, as they then stood, were sold, and the money they produced vested for the purpose. There were, he said, about 900 parishes in Scotland, and their clergy had, he believed, one with another, between eighty and ninety pounds a year; and when their income from circumstances was too small, it was made up to a certain amount to such individuals whose pittance was too scanty, by the Assembly of the Kirk who managed the fund. He lamented that in consequence of an error in the original proceeding, viz. the vesting the sum which the sale of the tythes had produced in a fund, instead

Mr Dundas.

of laying it out in the purchase of land, and dividing that land so purchased into allotments for the clergy, the latter was not sufficiently provided for. Had the plan he had stated been adopted, the land would have risen in value, in proportion to its improvement, as other land had, and the incumbents would consequently have had the benefit of its increased production.

Mr. Pulteney, Lord Carysfort, and other gentlemen, took part in the conversation; and at length, the blanks being all filled up, the House adjourned at twelve o'clock.

Friday, 13th May.

The order of the day for the House to go into a Committee, on the bill for granting a reward, in certain cases, on the conviction of felons, being about to be read, the Speaker observed, that the bill purported to amend the 6th Ann, which in certain cases granted a reward of 40l. But the present bill, which came from the Lords, provided that a smaller sum than 40l. should be given as a reward in certain cases; and therefore the Lords had taken upon themselves, as far as the disposition of the public money, a privilege which only belonged to the Commons. Under these circumstances, he submitted whether this bill ought to proceed farther.

After a few words between Mr. Powys, and Mr. Baker, the order of the day was read, for the House to go into a Committee on the bill, when the Master of the Rolls moved that the House should go into the said Committee that day three months.

Master of the Rolls.

The *Master of the Rolls* said, he should move for leave to bring in a similar bill. The intention of the Judges, he said, was exceedingly good in wishing not to grant the whole reward of 40l. only when they thought it deserved. According to the present law, whatever the number of offenders were, 40l. reward must be paid on the conviction of each, and yet sometimes there was no merit whatever in those who convicted them, and perhaps no expence was incurred. He was convinced the judges would grant the full reward when it was proper. He stated an instance of three boys, whom he tried when Chief Justice of Chester; the party on whose evidence the conviction took place, had no less than 120l. to receive, which he thought was a great deal too much.

Another thing he wished to join in the same bill, was, to render those persons who were convicted of petty larceny, competent witnesses. According to the present law, when a man stole 11d. he was infamous for life, but if he stole 13d. he was perfectly a good man, as to all the purposes of competency to be a witness. After a few words on this subject,

ject, between Mr. Harrison, Mr. Burdon, Mr. Mitford, and Mr. Baker.

The Master of the Rolls moved for leave to bring in a bill for regulating the distribution of rewards in the case of felons, and to render those persons who had been convicted of petty larceny competent witnesses.

Ld Beauchamp.

Lord *Beauchamp* said, although he thought both the objects of the bill were perfectly proper; yet he thought it would be better to separate them, as they were incongruous. It would occasion no delay to divide them into two distinct bills.

The Speaker.

The *Speaker* also submitted to the Master of the Rolls that two bills would be preferable to one; to which the Master of the Rolls agreed, and moved, 1st. For leave to bring in a bill for regulating the distribution of rewards in the case of felons: ordered. 2d. For leave to bring in a bill, to render persons convicted of petty larceny, witnesses: ordered.

The Master of the Rolls, Mr. Powys, the Attorney and Solicitor General, were appointed to prepare and bring in the same.

The order of the day being read for the House to go into a Committee on the bill for regulating the office of the clerks of assize and bills of indictment,

Mr. Joddrel took the chair. Mr. Douglas was then called to the bar in support of certain petitions which had been presented against the said bill by the clerks of assize.

After the counsel had withdrawn, a short conversation took place on the bill; after which, the further consideration of it was put off till Wednesday se'nnight.

The House having resolved itself into a Committee of Ways and Means, Mr. Hobart in the chair,

Mr. Pitt.

Mr. Chancellor *Pitt* wished to call the attention of the Committee to a number of regulations which he meant to propose relative to bills of exchange, promissory notes, &c. &c. and which he had mentioned when the expences of the last armament were voted. The first object to which he called the attention of the Committee, related to the proposed alteration of the duties on bills of exchange. At present, he said, all bills of exchange payable on demand, and which were under 10l only paid a duty of 3d. The alteration which he proposed to make, Mr. Chancellor Pitt said, was, that bills for sums amounting to forty shillings and not exceeding five guineas, should remain at the old duty, but that bills of 5l. 5s. up to 30l. should pay a stamp duty of 6d. This regulation, however, was not meant to extend to bills not payable on demand, which, whether they were above or below 5l. 5s. were to pay a duty of 6d. Bills

payable on demand from 30l. to 50l. were to pay in future a duty of 9d. From 50l. to 100l. a duty of 1s. This last duty was the same as was paid at present, except that the sum was in future to be limited from 50l to 100l. whereas formerly only a duty of 1s. was paid on all bills for 50l. or upwards. Bills from 100l. to 200l. to pay 1s. 6d. Bills for 200l. and upwards, to pay a duty of two shillings. He said, he did not mean at present to make any increase on bills for larger sums, though perhaps he might be justified in [illegible] progressive.

The next subject to which he wished to draw the attention of the Committee, he said, related to those notes which were [illegible] and which were [illegible] issued after [illegible] those places. These notes, he said, were often sent [illegible], and thereby produced the effect of bills of [illegible] which were paid only once; these notes of [illegible] injured the public revenue. A doubt had been [illegible] whether it was legal to re-issue notes after they had been once paid. To those doubts he did not [illegible] but to allow such notes to be re-issued on paying [illegible] for that privilege, and that [illegible] should be double, thus notes re-issued for 5l. 5s. were to pay a duty of [illegible]

The last point, to which he wished to direct the Committee, was to receipts, in which he [illegible] only one alteration, and that was [illegible] that they had [illegible] of 50l. or upwards, they should in future pay a duty of [illegible]. There had, he said, been much evasion on this subject; but he proposed, if possible, to make [illegible] in future; he meant to include [illegible] act of Parliament. He thought, [illegible] he ought to move that all the duties on bills of exchange, promissory notes, &c. should cease, and be now [illegible] payable.

When the Chairman put the question on this motion,

Sir Ben. Hammett

Sir *Benjamin Hammett* observed, that the resolutions which the Committee had heard, involved the fundamental principles of [illegible], and were ruinous to private property. In this, Sir Benjamin said, he was confirmed by Montesquieu, and many other eminent writers. He was sorry to trouble the House, but he could not avoid it on the present occasion. He never would agree, he said, to a tax on any gentleman, but where every Member of that House was subject to pay a part of such tax: he felt the necessity of taxes as strong as any man, but they must be equal and impartial, and not like the shop tax, which only affected one class of the community.

Mr.

Mr. *Hawkins Browne* declared, that in his opinion, this was one of the moſt impartial taxes that could poſſibly be impoſed; it would extend to perſons of all deſcriptions, and was not liable to any one of the objections ſtated by his honourable friend, which were very ſtrong and important objections, but were not applicable in the preſent caſe.

Mr. H. Browne.

Sir *Benjamin Hammett* explained. He contended, that this was a moſt partial tax, and affected bankers only. He had, he ſaid, formerly heard a right honourable gentleman declare, that not a guinea ſhould be paid, unleſs every Member of that Houſe was liable to pay a part of it: he wiſhed to reſort to that ſtandard. There was no commodity they could tax, no houſe, no land, no goods, but every Member of that Houſe ought to be liable to contribute a part. Not a ſingle guinea ought to be raiſed but where the whole community were to bear a part of the burden. Sir Benjamin declared he only knew one exception to this, and that was [illegible] neceſſity. If the right honourable gentleman could ſhew him that neceſſity exiſted, he ſhould not ſay a word more upon the ſubject. The neceſſity, which confounded all the principles of right and wrong, of juſtice and injuſtice, would, he declared, prove ſuch reſolutions to be undeniably requiſite; [illegible], there was no reaſon to have recourſe to that neceſſity. Such taxes deſtroyed all the ſecurity of private property, and would be a juſt [illegible] cauſe of reſiſtance.

Sir Benj. Hammett.

Mr. *Martin* ſaid, that as the meaſure appeared to him to be intended to prevent fraud, it had his hearty approbation. There was, in his opinion, ſomething in the fraud of cheating the public revenue, which ſtruck him as being a much greater crime than that of robbing individuals. If taxes were evaded, he thought others ſhould be impoſed which would affect all claſſes of people. If the tax was not a good one, he hoped it would not paſs; if it was a proper tax, it ſhould have his approbation.

Mr. Martin.

Mr. *Pulteney* ſaid, the only queſtion was, whether the tax came under the principle of the ſhop tax. He made a few obſervations on the reſolutions, and ſeemed to entertain ſome doubts whether they were impartial or not.

Mr. Pulteney.

Mr *Thornton* ſaid a few words on the ſubject. Notes and bills of exchange could not, he obſerved, bear an equal tax; at the ſame time he did not wiſh particularly to object to theſe reſolutions, but wiſhed a general liberality on the ſubject.

Mr. Thornton

Mr. Chancellor *Pitt* replied, that it was certainly his aim to lay every tax as equally on every man as he poſſibly could do; but in each particular caſe it was utterly impoſſible; and the utmoſt that could be expected was, that when

Mr. Pitt.

all the taxes were blended together, upon the whole, the burden ſhould be impartially diſtributed. It was, however, impoſſible, Mr. Chancellor Pitt ſaid, to reduce to practice ſo perfect a ſyſtem of taxation, as one that would ſuit itſelf to every individual.

Sir Benj. Hammett.

Sir *Benjamin Hammett* once more roſe. He ſtill declared it to be his opinion that a tax of one ſhilling, which did not attach on every Member of that Houſe, ought not to be impoſed on the country. If, he ſaid, any of the taxes which conſtituted the many millions of annual revenue to the country, had been impoſed on ſuch principles as he conceived this to be, he begged that the right honourable gentleman, or any gentleman in the Houſe, would point it out to him. Sir Benjamin concluded by ſaying, that the right honourable gentleman had better take all their property at once.

Mr. Baker.

Mr. *Baker* ſaid, that if gentlemen dealt in gold there was no tax upon it, but if they dealt in paper, they were to have thoſe taxes which had been ſtated. Paper, he obſerved, raiſed a credit; and ſome gentlemen could live by it, and therefore he preſumed there was great profit ariſing from it; a tax upon it was conſequently by no means unreaſonable.

Sir Benj. Hammett.

Sir *Benjamin Hammett* contended, that the principle upon which theſe reſolutions had been brought forward, and upon which they were attempted to be juſtified, would juſtify the taking of all their property.

Mr. Alderman Watſon ſaid a few words on the ſubject. After which the Chairman having put the queſtion, the following reſolutions paſſed:

That it is the opinion of this Committee that a ſum not exceeding 3d. be laid upon every bill of exchange, note, or draft, or order, payable on demand, where the ſum ſhall amount to 40s. and not exceed 5l. 5s. and which ſhall not be re-iſſueable after payment thereof, at any other place than where the name was firſt iſſued.

6d. from 5l. 5s. to 30l.
9d. from 30l. to 50l.
1s. from 50l. to 100l.
1s. 6d. from 100l. to 200l.
2s. from 200l. and upwards.

Upon notes that ſhall be re-iſſueable.

2d. upon all receipts from 40s. to 20l.
4d. from 20l. to 50l.
6d. from 50l. and upwards.

The report to be received on Monday next.

The Houſe adjourned.

Monday,

Monday, 16th May.

The order of the day being read, that the House should resolve itself into a Committee of ways and means, Mr. Alderman Watson presented a proposal from the Governor and Court of Directors of the Bank, "that there should be advanced for the use of Government, a sum of 500,000l. without interest, as long as the dividends unclaimed shall amount, after the quarterly payments, to 600,000l. upon condition, that as much shall be returned, as the sum total of the unclaimed dividends may fall below that sum."

The proposition having been read at the table,

Mr Chancellor Pitt moved that the proposal be accepted; which was agreed to, and the report was ordered to be received to-morrow.

General Smith.

General *Smith* having moved for the reading of the commission of Lord Cornwallis, appointing him Governor General of Bengal, and the same being read accordingly, the General said, he now understood that the object of his motion had been in a great measure anticipated by an order of the Governor and Council of Bengal, and his intention now was to render that order more valid. The offices of Governor General and Commander in Chief, had been vested in one and the same person, with a view, he understood, to collect, when necessary, all the force into one center. As Governor General, he had the power to suspend all the Governors and Councils of the different settlements But as Commander in Chief, he became himself subject to the power of the separate settlements in which he should happen to be placed. Was this suitable to the dignity and authority which ought to be annexed to the office of Commander in Chief? If any difference should arise between him and General Medows, which, he by no means reckoned likely to happen, but only mentioned as a case in point, General Medows, by sending to the Governor and Council of the settlement in which they then were, might compel Lord Cornwallis to adopt an opinion contrary to his own. He was glad that Lord Cornwallis had himself gone to take the command of the army. His presence in the present situation of affairs, would, he trusted, be of advantage. There was no other officer of equal responsibility, or who could exert, if he saw occasion, the same power of making a peace. He must likewise be his own Chancellor of the Exchequer. In a war so expensive, there was none but the Governor General who could find means for its support. He might here, the General said, enumerate the inconvenience of former acts of Parliament, but he understood that his motion would be

adopted, and afford, at least for the present, a source of relief. The situation of India called for remedy. The power at present granted to the Commander in Chief was incompetent. Not thinking, he said, upon the present subject with those gentlemen with whom he was accustomed to act, he had not consulted them upon his motion; he thought it, however, his duty to make it, and whether he should or should not be seconded, his duty would be discharged in making it; he concluded with moving, "That when the offices of Governor General of Bengal and Commander in Chief of the forces in India are vested in one and the same person, it is incompatible with the power of Commander in Chief, and prejudicial to the public service, that the Commander in Chief, if employed in his military capacity, on either of the coasts of Coromandel and Malabar, should be subject to the orders of the presidencies of Bombay and Fort St. George, over whom, in a civil capacity at Fort William in Bengal, he exercises authority."

Mr. St. John seconded the motion.

Mr. Dundas.

Mr. *Dundas* said, that the same doubts which had struck the honourable General, had likewise operated on the Council of Bengal, who had delegated to Lord Cornwallis powers either to act with vigour, or adopt, as he should find necessary, more lenient measures. On the subject of delegating powers, there were some doubts entertained. From these doubts, he, for one, must confess that he was not free; but no doubts ought to be allowed to remain on a subject of such importance. For this purpose, he meant to bring in a bill, which would take in the object of the honourable General's motion. It was better to apply a bill and a proposition, than merely to come to a general resolution. Lord Cornwallis, he supposed, was now acting under the authority of the resolutions of Council; no doubt could be entertained of the motives from which he had adopted this mode of conduct. Mr. Dundas said, the two objects which he proposed from the bill he was about to move for, were, instead of referring his Lordship to the Council of Bengal, or allowing him only to act through the medium of the Presidency of Bombay and Madras,

1st, That he should act as Governor General in Bombay and Madras, and

2dly, That he should act upon his own authority.

He concluded, with moving for leave to bring in a bill, to confirm and establish an order or resolution of the Governor and Council of Fort William in Bengal, for granting certain powers to the Commander in Chief while acting upon the coast of Coromandel and Malabar.

Mr.

Mr. Chancellor Pitt ſeconded the motion, and ſaid a few words on the intent of the bill.

General Smith.

General *Smith* acknowledged that if the ſame end was anſwered, he wiſhed rather that the remedy ſhould be applied by the executive power. But he thought that there was ſtill a ſhorter way—making Lord Cornwallis Governor of every ſettlement into which he went, for the time being.

Mr. Francis.

Mr. *Francis* ſaid, it appeared that India was now in ſuch a ſituation, as to require a remedy of the laſt extremity. The civil power of Bombay was to be entirely ſet aſide. He would not enquire how it had come into ſuch a ſituation. After ſo many acts, it appeared neceſſary to reſort to a new act; ſuch was the emergency of affairs there. But while they conſidered what they gave to Lord Cornwallis, they ought likewiſe to conſider what they left in Bengal. There was at preſent no legal Government remaining in Bengal. Proviſion had been made for death and reſignation, but not for the abſence of a Governor. What care then was taken of Bengal itſelf? Much was ſuppoſed to depend on the preſence, wiſdom, and authority of the Governor; of the benefits ariſing from all theſe they were to be deprived. He carried likewiſe with him every lack that he could raiſe, and the flower of the troops. What proviſion then had there been made for the ſecurity of Bengal? Or how could they be confident that its north-weſt quarter might not be open to invaſion?

Mr. Fox.

Mr. *Fox* roſe merely to ſhew that the object of this bill did not meet with general approbation. He did not know how far the power exiſted, or could be exerciſed with propriety, of going out of Bengal and leaving delegates. A conduct of this ſort he had been obliged to bring forward, as an article of accuſation in the charges againſt Mr. Haſtings. Such a conduct was not permitted by the law as it ſtood, and was equally inconſiſtent with propriety. He was not a friend, he ſaid, to the great powers that had already been granted, and could not be more favourably diſpoſed to any increaſe of thoſe powers. But he had ſpoken merely with an intention of intimating to the honourable gentleman, that when this bill ſhould be brought forward, it would not fail to be an object of ſerious attention and oppoſition.

Mr. Dundas.

Mr. *Dundas* replied, that if there were no Government in Bengal during the abſence of the Governor, the objection had ſubſiſted ever ſince the eſtabliſhment of our Government in that country. As to the delegation of power which had formed a ſubject of accuſation, it was a delegation of military command. The power which was now propoſed to be granted was merely a form. The Governor already poſſeſſed an equal degree of power, even in the exerciſe of his civil capacity;

pacity; for if he differed from the Council, it was only necessary that he should record the grounds of his opinion, and act upon his own authority. Mr. Dundas said that he had always entertained the opinion, that it was necessary to intrust a Governor General with very high powers; and come the debate when it would, he should not certainly hesitate to declare his sentiments.

Mr. Pitt. Mr. Chancellor *Pitt* said, that under the laws now existing, the Governor General of Bengal possess'd a superintending power over the other Governments. In order that he might act upon his own authority in any case in which he should differ from the Council, it was only required of him that he should record his own opinion, and the necessity of the public service, and then adopt that mode of conduct which appeared to himself most proper. It was only proposed to grant to Lord Cornwallis the same power whilst absent; that he might be enabled to transmit orders to servants, who were nearer himself, without employing the medium of the Council.

Mr. Fox. Mr *Fox* remarked that the proposition, as explained by the right honourable gentleman, was very simple; it amounted to nothing less than complete and absolute power. The power which was given away in the present instance, had been treated lightly, as mere matter of ceremony; so likewise had the great power which had been granted on a former occasion. The Governor and Council were to act together; there could be no majority against the Governor, as the Council consisted only of four, except he chose to stand single. He understood, that the Governor was to act separately, only upon an extraordinary emergency. To vest complete and absolute power in one man, was indeed the simplest and worst form of Government, which could in his opinion be devised for any people. By granting the Governor General equal power during his absence, he was deprived of all the benefits of being made acquainted with the opinions of the Council, and freed from the last check, the necessity, when he acted for himself, of recording the grounds of his opinion. Mr. Fox said, he indeed thought, that it was necessary the offices of the Governor General and Commander in Chief should be separate, in order that the duties of each might be properly discharged. But it appeared that what had formerly been held out as a serious check upon the power of the Governor General, was now set aside only as matter of ceremony. It was a subject, he said, which demanded much discussion, and he trusted would meet with firm opposition. He concluded by expressing his disapprobation of all absolute and unlimited power, even though

every

every human perfection could be supposed to reside in the breast of the individual in whom it was vested.

Mr. *Francis* said, that by an act made in 1773 it had been provided, that during the absence of the Governor General, the person who was next to him should assume the power. But now, in the absence of the Governor General, there remained no Government. The necessity which he was under of advising with a Council, and of recording the grounds of his own sentiments, formed a real check upon his opinions and actions.

Mr. Francis.

Mr. *Dundas* observed that the present measure was a provision for an emergency in an extensive view, and it was necessary that the remedy should be adapted to the exigencies of the case.

Mr. Dundas.

Some little conversation followed between Mr. Dundas and Mr. Francis; and Mr. Francis's motion having been withdrawn, leave was given to bring in the bill, moved for by Mr. Dundas.

Mr. Hobart having brought up the report of the Quebec bill,

Mr. *Fox* said, that after the discussion which the clauses had received, he did not mean to trouble the House; there were only two points on which he intended to divide the House, and they were those which related to hereditary nobility, and the number of the Assembly in Lower Canada.

Mr Fox.

Mr. *Powys* remarked that with regard to hereditary nobility he had only one objection, it was at present customary in Canada, to give only one moiety of property to the eldest son. This certainly would much tend to fetter the property. But as we were now to make a constitution not for the present moment, but for posterity, he thought it desirable that there should be something similar to our House of Peers, and therefore he would vote with the right honourable gentleman who brought in the bill.

Mr. Powys.

Colonel *Simcoe* spoke in favour of the bill, and having pronounced a panegyric on the British constitution, wished it to be adopted in the present instance, as far as circumstances would admit.

Colonel Simcoe.

Mr. *Fox* said, that the hereditary nobility, as proposed to be established in Canada, could never be upon the footing of the British House of Peers. By this bill, the power of the King was not limited in conferring hereditary nobility, or only nobility for life.

Mr. Fox.

The House then divided upon the amendment of leaving out the clause of hereditary nobility.

Ayes, 39; Noes, 88. Majority, 49

On the clause fixing the number of the Assembly of Lower Canada at thirty, Mr. Chancellor Pitt proposed, as an amendment, that the word fifty should be substituted in the place of thirty; but afterwards withdrew it, to make room for the amendment of Mr. Fox, who proposed to enlarge the number to 100.

Divided upon the amendment of Mr. Fox.

Ayes, 40; Noes, 91. Majority, 51.

The amendment of the Chancellor of the Exchequer was then put, and carried.

Mr Sheridan made some objections to the power that assumed after the Government had been divided into two separate independent legislatures, of regulating their commerce and internal intercourse. He, at the same time, intimated his intention to bring the subject into consideration on a future stage of the bill.

The bill was ordered to be engrossed, and read a third time on Wednesday.

The House adjourned.

Tuesday, 17th May.

A message was received from the Lords, that their Lordships would proceed farther in the trial of Warren Hastings, Esq. on Monday. The House resolved to go, in a Committee of the whole House, into Westminster Hall.

Mr. Burke

Mr. *Burke* said, the constitution was now confirmed, and, he trusted, would ever remain on a solid basis; and concluded with moving the usual orders for attending the trial.

The House having resolved into a Committee to consider of the prices of the importation and exportation of foreign corn,

Mr. Ryder spoke repeatedly on its various amendments.

Lord Sheffield

Lord *Sheffield* introduced a long string of resolutions, by saying, that as the alterations he meant to propose in regard to the prices at which the ports should be opened, were not considerable, it would not be necessary to say much on the occasion. The prices, he said, were very low, and such as he thought the greatest enemies to high prices could not object to. The ports would be open to corn from Ireland and the Colonies, at the same price as formerly. Foreign corn, however, will not be admissible, till wheat is at 50s. and oats at 17s., and the agriculture of Great Britain, will derive great advantage from the duties proposed to be laid on the import of corn from all countries, untill wheat rises to 52s. in respect to Ireland, and 54s. in respect to foreign countries, and on other corn in proportion. He did not mean to say these prices and duties were the most proper and the best

that could be proposed; he should have liked them better if they had been much higher; but they were the best he could obtain, and the bill being now essentially better than it was in other respects, he wished the Committee to be satisfied with the importation prices and duties now to be proposed. He then moved several resolutions, the purport of which was, that wheat should not be imported from foreign countries, under the low duties, untill the price was at 50s. oats at 17s. and other corn in proportion, and that a duty of 2s. 6d. per quarter should be payable on wheat, 1s. 6d on barley, and 1s. on oats, till the price of wheat was 54s. of barley 27s. oats 18s. and then the low duties of 6d. 3d. and 2d. were to take place.

Mr. Ryder then moved the same resolutions respecting corn from Ireland, except that the ports are to be open for wheat from thence when the price is 48s. oats at 16s. and other corn in proportion; liable however to the above duties of 2s. 6d. 1s. 6d. and 1s. till the prices are 52s. 26s. and 17s. and then the above-mentioned lower duties are to take place.

The duties on flour and meal are proportioned to the above prices.

These resolutions being then reported to the Committee on the corn bill, Mr. Ryder moved several new clauses, which passed unanimously.

The House adjourned.

Wednesday, 18th May.

The Quebec bill having been read a third time, Lord Sheffield presented a petition against it from Mr. Limburner, agent for the province of Canada, stating that the people there had been refused, upon application, a copy of that bill by which their Government was to be regulated, and praying that it might not pass.

Mr. Pitt.

Mr. Chancellor *Pitt* said, that the principles of the bill had been so long under consideration, and the impossibility that its regulations should meet the sentiments of all, was so evident, that it was now the business of the House to consider whether the objections that had been stated were sufficient grounds for delaying the bill.

Mr. Alderman Watson moved, "That the debate should "be adjourned till to-morrow."

The motion was negatived, and the bill passed.

Mr. Chancellor Pitt then presented the following Message from the King:

GEORGE *R.*

His Majesty finding that the additional charges incurred on account of the establishments of the younger branches of his Royal Family, cannot be defrayed out of the monies applicable to the purposes of His Majesty's civil government, is under the necessity of desiring the assistance of Parliament for this purpose; and His Majesty relies on the zeal and affection of his faithful Commons, that they will make such provision as the circumstances may appear to them to require.

Ordered, That His Majesty's most gracious message be referred to the Committee of Supply.

Mr. Pitt gave notice, that he should move that the message be taken into consideration on Friday.

He then moved the order of the day, that the House resolve itself into a Committee of the whole House, to consider of ways and means for raising the supply granted to His Majesty.

Upon which, Mr. Rose moved, "That the several accounts that had been presented to the House, relative to the Public Income and Expenditure, and likewise the Report from the Finance Committee, should be referred to the said Committee of the whole House."

Ordered.

The House then went into the Committee, Mr. Hobart in the chair.

Mr. Pitt. Mr. Chancellor *Pitt* said, he should have the honour of laying before the Committee, as shortly and distinctly as he was able, the articles of expenditure and of ways and means of the present year. He thought it would be proper, he said, to separate from them those articles which had been already provided for in the Armament budget, and which amounted to the sum of 3,133,000l. This sum had been separately voted for the expence of the armament of last summer, and for defraying the expences of 6,000 extra seamen. The sum of 1,300,000l. had been charged on the consolidated fund of the next four quarters. The two sums charged on the consolidated fund were 800,000l. and 500,000l. which make the sum of 1,300,000l. This sum, therefore, was to be distinguished from the remaining part of the three millions which had already been provided for. The remaining 1,800,000l. had been provided for by Exchequer bills, &c. He should therefore, he said, leave out of his consideration the ways and means for this 3,133,000l. on the one hand, and the expence on the other, for the sake of confining the attention of the Committee to the other articles which he wished to lay before them.

NAVY.

Navy.

The firſt head, to which he wiſhed to call gentlemen's attention, Mr Pitt ſaid, was the expences of the Navy; and here he ſhould only conſider the expence of 18,000 ſeamen, the other 6000 having, as he had ſtated, been before provided for.

Expences of 18,000 ſeamen, for the ſervice of 1791 - - -	£ 936,000
Expences of the navy - -	689,000
Repairs of the navy - -	506,000
Total of the navy - -	2,131,000

Army.

The ſum total for the army amounted to -	1,853,572

Ordnance.

The various ſums for the ordnance amounted to -	443,678
He ſaid there were two articles of deficiency in the land and malt tax, to be provided for out of the ſupply. Theſe two articles together, amounted to -	400,000
There was alſo a deficiency of grants, amounting to - -	207,000

Miscellaneous Services.

To Somerſet Houſe - -	25,000
To African forts - -	13,000
To a new corps to Botany Bay - -	2,794
To a compenſation for ſettling American claims, excluſive of Loyaliſt ſufferers -	2000
To a ſum paid the Dey of Algiers by our Conſul	6,762
To various charges from the civil liſt -	213,932
To a farther ſum to American Commiſſioners	14,2[illegible]1
To convicts tranſported to Botany Bay -	83,000
To Auditors of Public Accounts - -	4000
To Commiſſioners of Land Revenue -	4000
To ſundries - - -	8000
To Meſſrs Eyre and Strahan, for printing County Election Bill - -	16 000
To American ſufferers - -	172,000
The trial of Warren Haſtings, Eſq. -	14,000
Annuity to the Duke of Clarence -	12,000
To be charged to the conſolidated fund -	6000
Sum total of miſcellaneous ſervices -	694,000
Total of the Navy, as before ſtated -	2,131,000
Army - - -	1 853,000

Ordnance

Ordnance - - -	443,000
Deficiency of land and malt - -	400,000
Deficiency of grants - -	207,000
Sum total of the supplies -	5,728,000

WAYS AND MEANS.

Mr. Pitt said, the above were all the Supplies for the present year, and he should next consider the Ways and Means for raising that supply.

He calculated the land and malt as usual -	£.2,750,000
The surplus of last year, disposeable by Parliament, after deducting all the charges on the consolidated fund, amounted to -	303,221
In addition to this, there was the resource arising from the Lottery, and which amounted to a very large sum, viz. -	306,[illegible]50
The next article was the growing produce of the consolidated fund for the next twelve months, beginning at the 5th day of April last, and ending on the 5th day of April, 1792. They might judge of the amount of the growing produce from the report of the Finance Committee, founded on the experience of the three last years. It appeared that the average of the three last years was very short of the amount of the year before the last, and still more so of the last year.	
The permanent taxes, exclusive of the land and malt, amounted to 13,472,286l., from which was to be deducted 11,361,000l., consisting of the interest and charges of public debt, civil list, &c., and the surplus amounted to	[illegible],110,000
Outstanding balance of accounts -	154,000
In addition to this, he said, he might take 15[illegible],000l. from the probable increases of receipt, viz. 100,000l. tobacco, 30,000l. land-tax arrears, and 10,000l. hemp duty; for gentlemen would observe, that if the regulations on tobacco had taken place during that period, and if the taxes imposed in 1789 had been taken into the account, they would have made a considerable addition. He should, however, only loosely calculate the duties which would arise on the above-mentioned accounts, and take them at the very moderate sum of - - -	120,000

If

If all these sums were added together, they would amount to - -	5,743,000
From this sum was to be deducted 3-4ths of a year's annuity of the Duke of Clarence -	9000
Sum total of Ways and Means -	5,734,000

The above, Mr. Pitt observed, were all the ways and means of the present year, and by comparing them with the total of the supplies, it would be seen that they exceeded the supply by a few thousand pounds only. He knew, he said, of nothing more that was necessary to add, in order to lay the subject distinctly before the Committee, except that he had left the 5,500,000l. of Exchequer bills untouched, because they occurred on both sides of the account, and therefore balanced each other. He did not think it necessary to detain the Committee by going into a discussion of the state of the finances, particularly when he considered the very able and accurate report they had received from the Finance Committee. The Committee, he observed, would afterwards have an opportunity of considering that subject separately, with much more propriety than they possibly could do on the present occasion. He said, he had no doubt but that every gentleman would very attentively examine the nature and contents of the Finance Report*, and he flattered himself that no one could examine it, without receiving a great degree of satisfaction. He had only wished, he said, to take his estimates on the moderate average of the three years, and not on the receipt of the last year, although the revenue of the last year exceeded his calculation on that of former years by four hundred thousand pounds. He concluded with moving a resolution for the application of a sum out of the consolidated fund to the current service of the year.

Mr. *Sheridan* objected, on general grounds, to the right honourable gentleman's statement, but he admitted that the day was at last arrived when he could agree with the right honourable gentleman, that the report of the Committee of finance was as fair a report as could be expected. There were, Mr Sheridan said, certain omissions on both sides of the account, which would not have happened had he had the honour of being a member of the Committee, and to which he objected; but as he meant to name the first vacant day for discussing it, it was not his intention to go into it then; he would barely remark that the report coincided

Mr. Sheridan.

* Vide the Report of the Select Committee, printed for J. Debrett.

with

with every word he had ever troubled the House with on the subject. The Committee had stated their report with great candour and great accuracy, and the result, Mr. Sheridan said, was, that it was evident his Majesty's Ministers had since the year 1786 gone on with such encreasing prodigality, that the new report, so far from confirming what the report of the Committee of 1786 gave the House to expect, viz. that they would be that day voting the permanent peace establishment as they stated it, stated that in 1791 they were actually called on to vote half a million more, which, with the increase of the casual expences, made a difference of one million three hundred thousand pounds more than they were given to imagine would be the expenditure of the present year. Mr. Sheridan said, he did admit that there had been an increase of income within the last year, but gentlemen must not go away with the idea that the expenditure had not greatly exceeded what the Revenue Committee of 1786 taught them to expect would be the expenditure of the present year. Before, therefore, they adopted the Report of the new Committee, the alarming circumstance that he had mentioned ought to be explained to the country. Mr. Sheridan in the course of his speech referred to Mr. Steele's argument on a former day, and supported his assertion by stating the particulars on which he rested it, viz. that there was a permanent increase of 500,000l. on the total amount of the expences of the army, navy, ordnance, and miscellaneous services, and 800,000l. arising from incidental and casual expences. He added that we had paid off annuities of 200,000l. a year, and added a permanent increase of 500,000l. a year to the national expenditure.

Mr. Pitt. Mr. Chancellor *Pitt* expressed his satisfaction at the honourable gentleman's declaration, that he would name a separate day for the discussion of the subject, because, if the honourable gentleman, or any other, entertained doubts upon the Report of the Committee, or on any part of what he had stated that day, it certainly would be better to discuss those doubts on some particular day, than in a conversation, when another and a different topic was under consideration. With regard to the allusion to what had been said by his honourable friend, (Mr. Steele) on a former day, he was very confident his honourable friend never did state the permanent revenue as likely to be that, which the honourable gentleman had just imputed to his honourable friend; but the amount of his honourable friend's argument had been, that in case the expenditure should, from accidental circumstances, increase, the income of the country would proportionably increase, so that the public receipt would at all times cover the public expenditure. Mr. Pitt proceeded to

to observe, that there was no part of the subject which was not familiar to the House, and which had not been debated again and again, in every session since the year 1786. He declared himself happy, however, that the honourable gentleman agreed with him in giving due praise to the candour, the fairness, and the accuracy of the Committee of Finance, as exemplified in their report. As to the amount of the expenditure, the honourable gentleman, he observed, had stated that there was an increase of permanent establishment of 500,000l. in answer to which, he must declare, that much of that increase was not to be considered as expences which would be permanent, but as charges that were accidentally incurred. These charges Mr. Pitt stated, and particularly mentioned 201,000l. for necessaries in our dock yards, which would of course operate as a saving in future. In answer to the extraordinary manner in which the honourable gentleman had commented on other parts of the subject, so as to make up his alledged increase of 1,300,000l. he must, he said, be indulged with a few words. He then went into a detail of the whole expenditure, and concluded with observing, that Mr Sheridan included in his excess, the deficiencies of the land and malt, and the sum destined for the American Loyalists.

Mr. Sheridan.

Mr *Sheridan* begged leave to say a few words in reply, and, he declared, they should be a very few words. Referring to the report of the Committee of Revenue of 1786, he shewed, that the report of the Committee of 1791, in the statement of the expenditure, directly contradicted what the report of the Committee of 1786 taught them to look forward to, as the probable peace establishment in the year 1791. Another word he said, he must utter, with regard to the challenge given by the honourable friend (Mr. Steele) of the right honourable gentleman. The latter denied that his right honourable friend had given any such challenge or pledge, as he had expressly stated when the subject was left the ground of debate, and seemed to treat it as a ridiculous thing that his honourable friend, or any of his honourable friends, could have attempted to justify the report of 1786. Mr. Sheridan observed, that the Chancellor of the Exchequer had himself admitted an excess of 330,000l. in three articles only, exclusive of the miscellaneous articles, and therefore he contended that he had a right to say, that there was half a million increase on the permanent establishment. It was, he declared, a point on which he should particularly insist, and it ought not to be slurred over, but the country should know precisely how the case stood. They had, he said, bought up annuities of 200,000l. and incurred a permanent debt of three millions. The fact was, that the subject had

been delusively stated, and glossed over, in order to appear well in the eyes of the public, and so he had ever contended; but it had never been admitted at all, that any part of what he disputed was founded before that day; whereas, from what the right honourable gentleman had himself said, that day, it was evident to the Committee, that he had been correct in all that he had advanced. Mr. Sheridan before he concluded went into particulars to prove his assertions, and desired the Committee to attend to the whole of them in forming their opinion on the subject.

Mr. Pitt, in reply, again detailed the principal articles of the expenditure, in order to prove that the honourable gentleman was completely mistaken.

Mr. Sheridan.

Mr. *Sheridan* got up, once more to answer several parts of Mr. Pitt's last argument. He admitted, that a great cause of the increase was to be imputed to unforeseen circumstances; such as the provision for the younger part of the Royal Family, which he declared he highly approved; but he contended that every year would bring with it its amount of casual and incidental expences, which ought to be allowed for, and therefore it was incumbent on them to inform the country of the real truth, and not delude the people by telling them that this year there would be such a surplus, and next year a greater, when the chance was entirely the other way. Mr. Sheridan mentioned the finishing of Carlton House, which would occasion another increase, and to which the House was committed, having promised to provide for it, the Prince having no interest in it, &c. and therefore it must soon come under consideration. He also adverted to the debt from Holland, and said, if the payments by installments were applied to the expenditure instead of extinguishing the public debt, that the whole of that loan must be added to the amount of the national expenditure.

Mr. Rose.

Mr. *Rose* said, he was of a very different opinion from the honourable gentleman, and whenever they came to discuss the subject, he had no doubt but he should be able to prove that the honourable gentleman was mistaken. There were a great number of miscellaneous services, Mr. Rose said, which his right honourable friend had stated, and which it must be obvious could never occur again; and if the subject were accurately examined, he was confident that instead of 1,300,000l. the excess would be found to be little more than 300,000l.

Mr. Fox.

Mr. *Fox* said, that he would in a few words state what he at present meant to say. The observations, which he had to offer, it gave him no satisfaction to make, and would give them no satisfaction to hear. It now appeared, that the Committee of 1786 had been mistaken with regard to no

leſs a ſum than 500,000l. The blame indeed lay not on them; this increaſe of expence, except in the additional 100,000l. for the army, could not be foreſeen. But at the ſame time, if this Committee, with all their knowledge, with all the weight which had been given to their ſtatements, had been miſtaken to ſo large an amount, the circumſtance, though it could not affect his confidence in them individually, very much diminiſhed his confidence in all Committees of this ſort. The additional expence of the army alone had been ſtated to be permanent. And he at the time had objected to the addition to the eſtabliſhment of ſo large a permanent expence. But the additional expence of the navy, of the ordnance, and of the miſcellaneous ſervices, had never been ſtated to be permanent. A Committee in 1786 ſtates ſuch a ſum; and in the ſpace of only five years, an addition of 500,000l. appears neceſſary. He was ready to allow the ſtatement that had been made by the right honourable gentleman with regard to the tontine million. With regard to the miſcellaneous ſervices in 1786, the Committee had eſtimated this article of the expence at only 70,000l. Such an eſtimate, at the time, appeared to every body as quite too little, and to carry ridicule in the very face of it. The preſent Committee had ſtated the miſcellaneous ſervices at 120,000l. This ſum likewiſe, to his honourable friend, appeared too little. To be ſure, an honourable gentleman on the other ſide had ſcouted the idea that this ſum could poſſibly be deemed too little; but it was probable that he might have treated, in the ſame manner, any objection to the former ſum of 70,000l.; he had pledged himſelf to make it appear that the ſum of 120,000l. was fully ſufficient, but as he had proved that he was miſtaken before, it might be believed that he could be miſtaken again. The revenue, we were told, continued Mr. Fox, had encreaſed in proportion to the additional expence; but what proviſion did this aſſurance afford us for future expence? Will the revenue always encreaſe in proportion to the encreaſe of expence? The converſe of the propoſition, there was but too much reaſon to apprehend, would be the caſe. That had, in this inſtance, happened to the public, which frequently happens to individuals. Calcuations with reſpect to their revenue were, according to circumſtances, juſt or unjuſt. But any eſtimate formed of their expenditure alway fell below the mark. What had we to expect, if at the very outſet of what was ſtated as our peace eſtabliſhment, the ſum exceeded the eſtimates that had been formed conſiderably upwards of 300,000l.? No circumſtances have happened ſince 1786 to render any increaſe of expence neceſſary. On the contrary, any alteration that had taken place in the general ſituation

of affairs, ought rather to have had a contrary effect. The right honourable gentleman had treated it as a matter of indifference whether the installments were applied to discharge the debt, or to defray the services of the current year. Here Mr. Fox said, he begged leave to differ with him. If we had had nothing to do with the 178,000l. any deficiency in the sum necessary for the current service would have been found out, and some way or other supplied. It appeared to him, that in the present situation of the country, our expences ought to be set at the lowest mark possible; and if the revenue was increasing, that that increase ought to be applied, in order to discharge the debt, and not to promote any addition of expence that might be made to the establishment. Mr. Fox said he had risen on purpose to put the country on their guard against the reports of Committees. It now appeared that the report of no Committee, however well intentioned, or however able, could be implicitly received. After so gross a mistake, which amounted, by the calculation of his honourable friend, to 500,000l. and by that of the right honourable gentleman was allowed not to fall much short of 400,000l. it was proper to listen to their estimates with diffidence. It was necessary, by their own active oeconomy, and by their attention to whatever related to public expenditure, to render these accounts true, instead of implicitly receiving them on the faith of a report, till the moment of reckoning came, that should convince them of the error of their confidence, and the fallacy of their hopes.

Mr. Pulteney.

Mr. *Pulteney* remarked, that if the actual expenditure now differed from what the report in 1786 had stated, it ought to be on the permanent peace establishment, even in the proportion admitted by the Chancellor of the Exchequer. He thought that circumstance worthy of consideration, and that the expenditure of the country ought to be managed as oeconomically as possible. He said, one material article which had been stated as permanent, was the navy estimates; and to this point he thought very particular attention was due; because, in the detail of the extraordinary expences of the naval establishment, they must all know that it was liable, from its nature, to much fraud and extravagance; and this could not be put in a stronger light, than by the statement given in by Sir Charles Middleton, a man well versed in the detail of the necessary expences, and acquainted with the articles that were most liable to be wasted or overcharged. His statement differed, to the amount of more than 100,000l. from another given in. Mr. Pulteney said, he only meant, by mentioning this circumstance, to shew that much attention should be paid to this, being one great branch of permanent

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manent expence. With regard to the calculations made either in the present report, or that of 1786, he thought it was unfair to consider as calculations or opinions of the Committees, because, in fact, they were only calculations and opinions formed from materials which were laid before these Committees.

Mr. *Fox* said, that he had always considered the reports as founded on the information which was laid before the Committee. Mr. Fox.

The resolutions were severally put and agreed to, and the House being resumed, the report was ordered to be brought up to-morrow.

The House adjourned.

Thursday, 19th May.

The report of the Budget was brought up by Mr. Hobart, and the resolutions having been read a first and second time, were agreed to.

Mr. *Benfield* wished to know what the amount of the unfunded debt was. He should have been glad, he said, if the Finance Committee had stated the amount of the unfunded as well as of the funded debt. It would have been a credit to the country to look all its incumbrances in the face, and it was a subject which most undoubtedly ought to be laid before the Public. Mr. Benfield.

Mr. *Ryder* informed the honourable gentleman, that if he would peruse the Report of the Finance Committee, he would find the unfunded debt was expressly stated in it. Mr. Ryder.

During the reading the report of the Committee of Ways and Means,

Mr. *M. A. Taylor* rose, and said, he really wished for information on a subject of which he professed himself to be ignorant, not having been in the House the preceding day. He understood that the right honourable gentleman intended, on the following day, to move for a farther sum of money for the Royal Family; he wished, therefore, to know what had been, or was meant to be done for the widow of the late Duke of Cumberland, who ought undoubtedly to have an handsome provision equal to her dignity? If the right honourable gentleman, he said, would condescend to favour him with an answer, it would decide whether he should or should not think it necessary to bring forward a motion on the subject. Mr. M. A. Taylor.

Mr. Chancellor *Pitt* said, he had not proposed any thing on the subject alluded to by the honourable gentleman, not having had it in command from His Majesty to make any such proposition to the House; and deeming it highly unbecoming in him to state any thing to the House respecting any Mr. Pitt.

part

part of the Royal Family, unless he had previously received His Majesty's orders to that purpose. It was not, Mr. Pitt said, a fit subject for discussion in that House; but if the honourable gentleman would look to the account of the civil list charges that lay on the table, he would see the sum paid to the Duchess of Cumberland by way of annuity.

When the resolution relative to the Lottery was read,

Mr. Hussey. Mr. *Hussey* said, with respect to the lottery, although the profits of it had been greater this year than it had been on any former year, and although they ought to thank the right honourable gentleman (Mr. Pitt) for making the most of it, yet he was clearly of opinion that it was attended with the most pernicious consequences. It was a great discouragement to the honest industry of the country; it inflamed the desires of every poor person, and of every poor servant, in this great metropolis to grow rich at once, and not by the slow and gradual means of honest industry and daily labour. He said, it was dishonourable and shameful to the country to countenance such a fraudulent bargain. They saw men buy and give more for lottery tickets than they knew they were worth. This was undeniably a fraudulent bargain, and was shameful to the country. The Minister put these tickets up to auction, to get the best price for them, and to induce persons to become purchasers at a high and advanced rate. Besides that, before the tickets came to those poor deluded people, the Public got 3 0,000l., and it was extremely probable that Lottery office keepers got as much more by selling the number of tickets twice over, and by insuring. He knew, he said, that he had the majority of both sides of the House against him, but he nevertheless felt it to be his duty to speak his opinion. He thought the country received much more damage from a lottery than profit; and he hoped and trusted that the right honourable gentleman would make this the last. He said, if the House entertained the same sentiments with regard to lotteries that he did, they would put an end to them at once.

Mr. Pitt. Mr. Chancellor *Pitt* said, he entertained an opinion on the subject extremely different from that stated by the honourable gentleman; so far from being of his way of thinking, he should be sorry if the ensuing were to be the last lottery. He thought it was a resource of which the Public ought to avail itself. If they were to put an end to the lottery, he conceived that would not put an end to the principles and practice of gambling, but that the Public would suffer all the inconvenience without reaping any of the benefit. They could not prevent people from having recourse to the lotteries of other countries, and to private adventures, which would be attended with more serious consequences to individuals,

viduals, and to the country, than any arising from a lottery avowed by Government as their public act. Insuring, and all the various tricks and chicanery which some men had endeavoured to ingraft on the lottery, ought undoubtedly to be prevented; and he should thank any honourable gentleman very sincerely who could afford him any hint towards putting a stop to such frauds; but the lottery itself was so material a resource, and of such great advantage to the revenue, that it ought not, in the present state of the country, to be lightly abandoned. An objection, Mr. Pitt observed, had been stated to the lottery, because the purchasers, with their eyes open, had given more for tickets than the tickets were worth. The fact, he said, was, they gave more than the tickets were worth, because they wished to have the privilege of gambling. Lotteries, therefore, were neither more nor less than a tax on gambling. It was only saying, if you gamble, you must pay for it the high price which we demand.

Mr. Hussey.

Mr. *Hussey* said, that he had stated one thing which the right honourable gentleman had not answered, and therefore he supposed he felt the force of it; and that was, that double the number of tickets might be sold by bold adventurers who kept lottery offices, if purchasers could be found.

Mr. Rose moved for leave to bring in a bill, or bills, pursuant to the said resolutions. And that Mr. Chancellor Pitt, Mr. Rose, Mr. Hobart, &c. do prepare and bring in the same. Ordered.

Mr. Dundas moved, "That the act of the 31st Geo. II. "and also of the 26th Geo. III. be read." They were read accordingly. Upon which,

Mr. Dundas.

Mr. *Dundas* said, that he should trouble the House with a very few words on the present occasion, but wished to draw their serious attention to the subject he was about to propose. The object he had in view, was to encourage the naval service in a peculiar manner, where it seemed most to stand in need of encouragement. It was to prevent the designing from pillaging and plundering an useful, though perhaps a very careless, race of men. He stated, that according to the usage of the navy, all ships companies, returning from service, were paid at one time; they were paid on a precise day, and those seamen who did not appear on that day were paid afterwards; but by a bill which had been then read, and known by the name of Mr. Grenville's bill, there were three exceptions to that rule.

1st, Whenever any seaman died on board there was a certificate or dead ticket sent home to the navy Board, to give an account of the deceased person, and to enable his relations to receive the wages that were due to him.

2d,

2d, When a ſeaman was diſabled, and ſent to an hoſpital, he was furniſhed with a ticket called a ſick or a diſabled ticket, ſigned by the Commander, ſpecifying the quantum of wages then due, and in vitue of ſuch ticket he was entitled to receive the wages that were due to him, at the place to which he was ſent.

3dly, There was a very important regulation to enable ſeamen on foreign ſervice to ſend remittances home to their fathers and mothers, their wives and families, &c. before they, or the ſhips in which they ſerved, could arrive in a Britiſh port. In that caſe the whole crew was called over, and the queſtion was put to them, whether they wiſhed to remit home any money? As many as pleaſed might do ſo. Their relations were thus enabled to receive that money through the medium of the collectors of the cuſtoms, or Commiſſioners of the Land Revenue, where they reſided.

Theſe were the different exceptions, the three different caſes in which ſeamen, Mr. Dundas ſaid, might receive their wages before the ſtated time, according to the general uſage of the navy. He ſhould now, he ſaid, propoſe to extend the proviſions of Mr. Grenville's bill in two very material articles: 1ſt, in this inſtance, ſeamen were often turned over from one ſhip to another, and they could not be paid till all the different ſhips in which they had ſerved, arrived at home. Their payments conſequently might poſſibly depend on the arrival of a number of ſhips, and if they themſelves came home before thoſe ſhips, they muſt remain idle, and either ſtay till they all returned, or perhaps, what was much worſe, they might be under the neceſſity of diſpoſing of their wages to an alehouſe-keeper or to people of higher rank, though not one jot more reſpectable, and give away perhaps for one guinea what to them was worth twenty pounds. Againſt this impoſition, Mr. Dundas ſaid, he ſhould certainly ſet his face. He therefore wiſhed to provide, that whenever a ſeaman was turned over from one ſhip to another, he ſhould carry along with him in his pocket the certificate of his wages which he had earned in the ſhip he was turned over from, and ſo on with regard to all the ſhips in which he had ſerved. In this manner, when he came home, he would be entitled to receive all his wages, whether all the ſhips in which he had ſerved had arrived or not.

Mr. Dundas ſtated that a practice had obtained previous to his bill, that two men came before a Magiſtrate, the Lord Mayor of London, for inſtance, or any other, who could not know either party, individually, and the one perſonated a ſeaman, and the other his attorney, when they made a falſe certificate, and thus obtained the wages of a

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man, who was serving his country perhaps at the time; and knew nothing at all of the matter. On this ground, he said, he had about four years ago had the honour of bringing in a bill, which generally went by his name, and the great object of which was to prevent the forging of seamen's wills and powers of attorney; and he had the satisfaction of stating to the House, that though during the four years immediately preceding that bill, there were upwards of forty trials for forgery, yet during the four years since that bill had passed into a law, there had not been one trial for forgery. This rather encouraged him to proceed on the subject; and he was extremely anxious to go a little farther, and by extending the principle of that bill as far as possible, to afford protection to that useful race of subjects the British seamen. He said, it would be doing a duty which the public would give him credit for, if any man deserved credit for merely doing his duty in the office in which his Majesty had placed him; he had an opportunity of seeing many objects of distress, and he had taken considerable pains to improve that opportunity, and to learn the places of residence of the widows and families of many distressed seamen. But he must in justice declare, that if he did any good on this subject, it would be in a great measure owing to the integrity, assiduity, and abilities, of Mr. Bedingfield, a gentleman in his office, in whose department it was to inspect seamen's wills and powers. By the assistance of Mr. Bedingfield, Mr. Dundas said, he had been enabled to form a large collection of cases of seamen's widows, who had originally had claims to their husband's wages; and he read from it one or two instances where seamen's wages were owing, and where their families had not received one half, and sometimes not one third, but where the greater part of the amount of what was due, had got into the pockets of other people. His great object, Mr. Dundas said, was, that seamen should receive their wages as speedily, and with as little trouble as possible; so that their wages might really go into their own pockets, and that they might be enable to support their wives and families. In order to atchieve his end, he wished to introduce certain regulations, the effect of which would be, that the seaman should receive his wages without one additional expence; that he should not have occasion to employ an attorney or any other person, but should be able to obtain what was due to him by the mere machinery of the Navy Pay-office, without a shilling of expence, or the smallest trouble. In fact, that every seaman might receive it at his own door, instead of hunting after the public offices in London, through the medium of the collectors of the customs, or the Commissioners of the Land Revenue, wherever the

seaman might be landed. These, Mr. Dundas said, were the outlines of the proposal he was about to make, the object of which was, as he had already explained, to enable seamen who were in the service of their country, to receive their wages as speedily as possible, and without any diminution. He declared, he next wished to extend all the benefits of Mr. Grenville's bill, and of his own former bill, to the marines serving on board his Majesty's ships, who complained that they had been left out of the consideration of both those statutes.

Mr. Dundas stated that he had received a letter from a distinguished personage in the navy, his Royal Highness the Duke of Clarence, on the subject of a marine, who seemed to have a claim upon the public, and who certainly ought to have had a right to such a claim. He had written an answer to his Royal Highness, stating, that although he could not but think his Royal Highness's zeal did him the highest honour, unfortunately the man's case was not provided for, in either Mr. Grenville's bill or his own; the Duke of Clarence returned him a reply, in which he stated a doubt of his being warranted in his opinion, but the fact was, Mr. Dundas said, he could do nothing in the matter. Mr. Dundas spoke highly of the conduct of the Duke of Clarence, and then said, there was also another object, to which he wished to direct the attention of the House. Complaints had been made, and he thought justly made, that the benefit of these acts did not extend to Ireland. The object of one of the bills, which he was about to move for leave to bring in, was to give seamen serving in any of his Majesty's ships in Ireland, all the advantages of the two acts to which he had alluded. This he meant to do by referring them for payment to the Commissioners of the Land Revenue. Thus he meant to extend Mr. Grenville's bill and his own bill, and thirdly, to apply the benefits of both these bills to Ireland. He said, he should do no more this session than introduce the bills, and print them, that they might be in the hands of every member of that House in the naval service, and of all seafaring gentlemen, during the summer, who might turn the subject in their minds, and probably might be able to suggest some amendments against the beginning of next winter, when he intended to endeavour to prosecute them through the regular stages, in order that they might pass into laws.

Mr. Dundas accordingly moved for leave to bring in a bill to explain and amend the act of 31 Geo. II. for the encouragement of seamen in the royal navy, and for enabling them more easily to receive their wages, &c.

Mr. Chancellor Pitt seconded the motion.

When the question was put by the Speaker,

Sir John Sinclair. Sir *J. Sinclair* rose and said, the right honourable gentleman certainly deserved the applause of his country for what he had done, and likewise for what he was about to do on this subject. He wished, however that the right honourable gentleman could have brought his subject into one bill, which might emphatically be called Mr. Dundas's bill; Sir John said, he also wished the right honourable gentleman had gone still a little farther, and had laid down some regulations with regard to prize money, the settling of which, upon a certain and clear footing, would tend greatly to encourage seamen to enter into our service with chearfulness and good will.

Mr. Dundas. Mr. *Dundas* said that subject had not escaped his attention, as he had in his hand the outlines of a bill upon it. But any regulation respecting prize money did not immediately come within the line of his official department, and he thought it would be more proper to bring the subject forward in the beginning of next winter. The question was then put and leave given to bring in a bill, "For extending certain acts "therein mentioned to petty officers and seamen, non-com- "missioned officers of marines, and marines serving, or who "may have served on board any of his Majesty's ships, and "residing in Ireland."

That leave be given to bring in a bill "For explaining and "amending an act of the 22d year of his present Majesty, "intitled, an act for farther preventing the abuses attending "the payment of wages and prize money, &c. and for "farther extending the benefit thereof to petty officers, "seamen, non-commission officers of marines, and marines "serving, or who may have served on board any of his Ma- "jesty's ships." Leave was given.

The Chancellor of the Exchequer, Mr. Dundas, the Attorney and Solicitor Generals, were ordered to prepare and bring in the same.

The House adjourned.

Friday, 20th May.

The House resolved itself into a Committee of supply, to take into consideration the King's message, in which His Majesty called upon the Commons to relieve the civil list from expences to which it was inadequate, and which had been incurred in consequence of the provision he had been obliged to make for the younger branches of the Royal Family.

Mr. Pitt. Mr. Chancellor *Pitt* informed the Committee, that the actual charges upon the civil list exceeded the amount of the

revenue appropriated for the support of it by 12,000l. a year, which was the sum settled by His Majesty upon the Duke of Clarence. It was not his intention therefore, for the present, to move for any permanent grant beyond 12,000l. a year; but he would also ask for some other sums to replace such as had been already advanced out of the civil list.

He then moved, that His Majesty be enabled to settle upon his Royal Highness William Henry Duke of Clarence an annuity of 12,000l. and to charge the same upon the consolidated fund.

Mr. Francis.

Mr. *Francis* wished to know whether savings had not accrued to the civil list, through the death of the late Duke of Cumberland.

M. Pitt.

Mr. Chancellor *Pitt* admitted that the death of the Duke of Cumberland, and also that of the Princess Amelia, had produced a saving to the civil list; but to balance these, other charges had grown upon it; and from the accounts on the table, gentlemen would perceive that the charges exceeded the income by 12,000l. a year.

Mr. Powys.

Mr. *Powys* asked, whether this was the last permanent grant that was to be made to any branch of the Royal Family, or whether similar grants were to be occasionally called for, in proportion as the rising branches of His Majesty should arrive at that age in which it would be proper to give them an establishment.

Mr. Pitt.

Mr. Chancellor *Pitt* answered, that undoubtedly applications would be made to Parliament when the occasions should arrive for provision for the other branches of the Royal Family, unless (what was then very improbable), the civil list should be so relieved from other burdens, as that it should be able to provide establishments for more of the Royal offspring, without further aid from Parliament.

Mr. Powys.

Mr. *Powys* then said, he now clearly understood that was not the last grant that Parliament would have to make in aid of the civil list.

Mr. Baker.

Mr. *Baker* said, that he was as ready as any man to make a proper provision for His Majesty's children; and he even felt a partiality for the spirited Prince who was the immediate object of the motion, who had been bred to a profession which was first in the estimation of the country; and therefore he had not a word to say against the proposed grant to him: but he thought that after the great addition which had been made to the civil list, it ought to be deemed equal to the discharge of all demands upon it. To prove this, Mr. Baker went into a minute detail of various sums which had been paid by Parliament, and among others, certain expences attending the King's illness, which ought to have been paid out of the civil list; but as they had not been so discharged, that

that list ought to be able to provide for the settlement now proposed to be made upon the Duke of Clarence. It had happened, he said, not only that additions had been made to the revenue by which the civil list was supported, but it had also been encreased by the abolition of establishments which formerly pressed very heavy upon it, such for instance as the board of trade.

Mr. Pitt.

Mr. Chancellor *Pitt* upon this observed, that if Parliament had made additions to the revenue by which the civil list was supported, it had also made additions to the charges upon it; for it had instituted a Board of Controul for the government of India; and in so extensive a branch of executive government, many expences were necessarily incurred. The abolition of the board of trade was of very little relief to the civil list; for the act of Parliament by which that board was put down, provided that the business usually transacted by it should in future be transacted by a Committee of Council: this business, every one knew, was of a very extensive nature, and could not be carried on without a great number of clerks, who must be paid for their labour. All these charges had been laid upon the civil list, subsequent to the period when the increase was made, when it was intended to make the income of the civil list equal to all the charges upon it.

The question was at last put on the motion for the grant to the Duke of Clarence, and carried unanimously.

Mr. Chancellor Pitt then moved, that the sum of 34,?10l. 5s. be granted to His Majesty, to make good the civil list a like sum advanced to the Duke of Clarence, for his support during the last two years, at the rate of 12,000l. a year, and for enabling him, at the outset, to form his establishment.

This motion passed also *nem. con.*

Mr Chancellor Pitt informed the Committee, that, according to the established rule, the annuity out of the civil list to the late Duke of Cumberland, was payable only to the day of his death, and not to the end of the then current quarter; but as it would not be handsome to dismiss his establishment at a day's notice, he thought the Committee would readily agree, that what would have become due by the end of the quarter should be paid, as well as what was actually due at the time of the Duke's death. He therefore moved that the sum of 1,800l. be granted to His Majesty, to enable him to discharge the remainder of the quarter's annuity which had to run after the death of his Royal Highness Henry Frederic, late Duke of Cumberland.

This motion also passed unanimously, and the House was resumed.

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The orders of the day having been severally gone through, Mr Fox. Mr. *Fox* rose to make his promised motion, for a grand Committee on the Courts of Justice, to enquire into some late decisions of the Courts in cases of libel. He began a most able and argumentative speech, by declaring that, he was perfectly convinced, that every gentleman who heard him, was so well acquainted with the duties that belonged to the House of Commons, and its peculiar function constantly to watch with care, every part of the executive government of the country, that it would be unnecessary for him to use any words in order to shew that he was not bringing under the consideration of the House, any thing that did not fall within the province of its duty. He said, he was not going to attempt any thing like innovation, but was calling the attention of the House to one of its most constitutional and very important duties, viz. to a strict attention to every branch of the executive government. The most important part of the executive government was the execution of the laws in Courts of Justice; he hoped, therefore, he should not excite any unjust prejudices against what he was about to state, by urging the necessity of their watching over this, as well as every other part of the constitution, as if it implied any thing, peculiarly faulty or blameable in the execution of justice at that moment. If the doctrine, Mr. Fox said, were once to prevail, that the consideration of matters, relative to Courts of Justice, necessarily implied a failure of the execution of justice, that House must either be negligent of its functions on the one hand, and they must sit silent and suffer abuses to grow to a magnitude which it might be difficult to reform; or, on the other, they must do, what no good citizen would wish to do, they must create an alarm in the country, and excite a suspicion that justice was not fully executed, and thereby injure the nation, by encouraging the subjects of Great Britain to deny that respect which was due to the laws, and to withhold that obedience which ought to be given to the execution of them.

It was true, Mr. Fox said, that he meant to bring under the consideration of the House more than one point; he should, however, first state the point which weighed most on his mind, which was, that which related to the conduct of the Courts of Justice, with respect to trials on the subject of libels. He would not, he said, take up the time of the House with any general declamation on the subject of the press. Whoever saw what the world was now, and compared it with what it formerly had been, must be sensible that it had greatly improved in the science of government, and that that improvement was entirely owing to the

liberty

liberty of the press. From what he was then stating in favour of the liberty of the press, no gentleman, he trusted, would consider him as a defender of its licentiousness. He was, however, a defender of the liberty of the press, in that sense in which it could be defended. But if even the just liberty of the press were transgressed, he owned, he should be an enemy to a severe punishment being inflicted after the crime was committed. He was also an enemy to all previous restraints on the press, because he thought he could prove, that in all countries, and at all times, previous restraints on the press had the effect of restraining the just liberty of the people, and had never been able to prevent the mischiefs arising from its licentiousness. Having said so much with regard to the liberty of the press, Mr. Fox declared, he thought there was no danger to be apprehended from any law, or from any thing which they might propose to make a part of the law of the country; on the contrary, it was his opinion, that if the liberty of the press in this country could be in any way endangered, it must be by a series of judgements and a series of punishments on free writings: this, he doubted not, he should be able to prove. He hoped he should not be told, in answer to what he had advanced, that they had not only reached the mark of liberty, but had gone beyond it. He hoped he should not be desired to look at the abuse of that sacred engine of liberty, as the levelling the good and bad, and making every man apathized to shame, and insensible of good character, which was the foundation of every thing great and glorious among men. If persons were to argue, that from the circumstance of there being so much licence, there was liberty enough, in his apprehension, they would argue very unwisely, and very inconclusively. There was no difficulty in this country for any man to libel another; but no man could libel the actions of another with impunity, and public characters had as much a right to be defended as those who never mixed with public affairs. Any man, if he pleased, could indeed personally libel with impunity any public or private character; they could libel him, or much more respectable Members of Parliament; they might even go farther, and libel Ministers and the Great Officers of State. But he contended, on the other hand, that there was much doubt whether any man could really freely discuss the actions of government, in the way in which he apprehended it was the right of every man to discuss them, without a greater risque to his person and property than prudent men would choose to hazard.

Mr. Fox declared, that he felt considerable difficulty, not only from the importance and magnitude of the object he had

had to state, but also considerable difficulty in the manner of the arrangement of the matter, with which he should trouble the House. Perhaps the most easy way would be for him to state his ideas in the order in which they had arisen in his own mind, beginning with particulars, and going on to generals, instead of beginning with generals and exemplifying them by particular instances, which was the more usual method. In the course of the last year, when the Spanish armament was raised, gentlemen would recollect that there had taken a considerable degree of discussion among the public, with regard, first of all, to the propriety of that armament; and secondly, with regard to the conduct of that and the other House, who granted the supplies. That such a business should be the subject of discussion in any country, particularly in a free country, could be matter of surprize to no man; that it would be a subject of fair discussion he thought could not be controverted. On that occasion there had appeared some strictures in a newspaper on the conduct of the King's Ministers: and that paper, to the astonishment of most people, was prosecuted! If gentlemen would take the trouble to read a variety of things that were written at that time, not with regard to the character of public men, but with regard to the conduct of public Ministers, he should rather suspect the newspaper alluded to would not to be found to be among the most eminently culpable, but on the contrary, among the most innocent that had appeared. However, the paper was published, and it was prosecuted. The printer pleaded guilty, or allowed judgement to go by default, and judgement was given against him; which appeared to those who observed the judgement, and compared it with the paper, and, he confessed, appeared so to himself, to be most inordinately severe. He could hardly have thought, he said, that a person's stating in a newspaper his general disapprobation of the measures adopted by the King's Ministers; stating, that he conceived that the ostensible purpose could hardly be the real purpose; stating the object of Nootka Sound to be too minute to justify so great a hazard as the country was then about to incur, and that therefore it might be connected with our Prussian alliance. He should have thought that such a paper not only did not deserve a severe punishment, but such a paper, in his humble opinion, was no libel at all. His first wonder was, that the printer should have been so ill advised as not to defend himself. In the next place, he was astonished that no motion was made in arrest of judgement, on the ground that the paper was no libel at all. He thought the sentence most severe; and that opinion had not, Mr. Fox said, been peculiar to his own mind; he believed he could

could speak the sentiments of a whole profession, and that as far as it could be collected, the general opinion of the bar was, that it was a sentence beyond what they could have conceived was likely to have been given. He said, he had read the libel with great care, as it had appeared in the Herald, and it appeared to be a libel on the King's Ministers, and nothing more.

Mr. Fox alluded in this instance to the proceedings of the King against Luxford, late printer of the Morning Herald, and read from the information in his hand the following extract, which was stated as the essential part of the libel.

"We cannot dismiss this serious and alarming subject, "without observing, that this manoeuvre of our Ministry "will make a deep impression upon the French Cabinet, "National Assembly, and people in general. They will "not easily be led to believe, that Nootka Sound, on the "farther side of North America, can be such an important "object to a people who have just the other day so tamely "surrendered up the whole Eastern side of North America, "as to induce them to hazard all upon such a new-disco-"vered, undefined, and almost unknown land, lying, as "we may say, at the back of the world. They will sooner "think that this armament is destined against Brest and "Toulon, than against Cadiz and Barcelona, upon such "grounds as are held out to public view; and notwith-"standing their present seeming disjointed state, they will "find ways and means to coalesce among themselves, so as "to put the state machine in order, so as to lend some effica-"cious aid to their never-failing allies, the Spaniards."

To say in that point, the King's Ministers had acted without policy, without prudence, or spirit, was undoubtedly a libel; and if those words were to be applied to the Russian business, it would be equally a libel, because the person who wrote them could not in point of law have justified, and consequently must necessarily have been convicted of a libel. But did any Member of that House think that such a libel deserved so severe a punishment? He was perfectly persuaded that no man would say he did. The paper also stated that the King's Ministers, by various declarations, some of them in that House, and some of them out of it, had deluded the people and the country with respect to such armament. That was also a libel: and here again the printer could not have been permitted to justify the truth of these assertions, and therefore he must have been convicted. In the degree of punishment to be inflicted, they ought, Mr. Fox said, to take into consideration the present state of manners, and state of things; and if this had been done in the present case, John Luxford might have been sentenced to

ſome ſhort impriſonment, or to pay ſome ſmall fine; but that he ſhould have been ſentenced to be impriſoned for twelve months, and to ſtand in the pillory, was a ſevere and inordinate judgement, compared with the degree of his guilt.

Having admitted that it was a libel againſt the King's Miniſters, he had admitted all that he thought neceſſary to be admitted on the preſent occaſion. Without paying any compliment to the gentlemen oppoſite to him, in the preſent ſtate of things, the mere ſaying they had acted without policy, without prudence, and without ſpirit, would not, he was perſuaded, have induced them to puniſh a man for a libel, or at leaſt not to have purſued it to ſo great a length of puniſhment. He did not think, that they themſelves would have thought, that it would have been conſiſtent with the dignity of their characters, to have proſecuted the printer at all; he ſhould have gueſſed this *a priori*, and he thought he might ſtate it from the thing itſelf. There were, Mr. Fox obſerved, in the information againſt Luxford, other counts and other inuendos, beſides that for a libel againſt the King's Miniſters. Here he read the copy of the information, the indictment, the opinion of the Judge, and finally the ſentence. He always ſpoke with great diffidence when he ſpoke on legal ſubjects, he ſaid, and he meant to do ſo then, but he had read the information with all the attention he was capable of giving to any ſubject, and he muſt declare that it was drawn in a way perfectly unintelligible to him. It might poſſibly appear otherwiſe to profeſſional gentlemen. He conceived the proper way was to ſtate the malice, the ſeditious intent, or any other circumſtances of that kind, firſt, and he believed he was fortified by the greateſt authorities, in conceiving that inuendoes were only to be uſed as matter of explanation, and not as matter of addition. The force of inuendo, he conceived, to be equal to the words *id eſt*, *ſcilicet*, or to the Engliſh word importing, which in his mind, expreſſed it beſt of all. He ſaid, it was very different to ſpeak with clearneſs and perſpicuity on the ſubject, the word meaning having a double ſenſe. When he ſaid a word meant ſo or ſo, there were two ways in which it might be taken; its firſt ſenſe was when it was merely explanatory of what went before, and was a true inuendo, as the K., meaning the King of Great Britain, &c. Cadiz, and Barcelona, meaning Cadiz and Barcelona in Spain, &c.—There was alſo another ſenſe of the word meaning, which ſignified purpoſing, as when he ſaid he meant to do ſuch a thing to-morrow. This word he muſt contend in all informations ought to be uſed in the ſenſe of importing and not of purpoſing. The third count in that informa-

information, which was the material part of the charge, was, that which stated it to be a libel, not on the King's Ministers, but a libel tending to produce dangerous consequences to the country; that it would tend to alarm the King of France, and to stir up hostilities between this country and France.

Mr. Fox said, he must here speak collaterally a little of the mode in which libels were judged: he maintained that the filling up of the inuendos was the province of the jury, and after they were filled up, the tendency and consequences were inferences of law; and he took this to be the real state of the law; though it was by no means agreeable to his opinion of what it ought to be. If this had been an inference, and not an inuendo, he conceived it would have been competent to arrest the judgement, because a meaning had been put on the words which they would not bear. It was said, the intention was to have excited the King of France so and so. This he contended was an inference not to be drawn from the text either in reason or in law; and if there had been nothing in this libel but that, he had not the least doubt but that the judgement would have been arested: it did not, therefore, come into that shape as a legal inference. It was, Mr. Fox observed, matter of material mischief, and of material injustice, to make that a tendency and an inference of fact to convert it by a double and unequivocal sense into an inuendo. He said he should just state to the House the particular tendency to which he alluded, and then he would ask every gentleman in the House whether it was not an inference, and not an inuendo? Mr. Fox shewed in the clearest and most convincing manner, by reading particular parts of the information, that he was justified in his arguments. From this he inferred, that they could not use as an inuendo the word meaning, when it could be construed by the word purposing, but only where it could be explained by the word importing. The way in which the information had been drawn, left the person who was the object of it, in perfect doubt how he was to defend himself against it. He might be answered, Mr. Fox said, that this was not an inuendo; it was a legal inference, of which the Court would judge; and the Court might afterwards tell him this was not a legal inference, but that the jury had found it, and therefore it must be taken as fact in the record. In what situation, then, was the unhappy Luxford left? Was he to move an arrest of judgement? No. He should have advised against any such measure. It would have been but of little consequence to him to have been acquitted of the third count, when he must be found guilty of a libel on the King's Ministers. Mr. Fox said, he was perfectly sure this mode of proceeding was in the

the highest degree improper, and unfair. The inference ought to have been stated in the outset of the business, and they had a right to argue on the record; and he would venture to say, if that had been allowed, and if the whole had turned upon that, and nothing else, but that count in the information, if it had been asserted that this was an inuendo, and common sense rejected it as such, if it had been put into able hands, judgement must have been arrested.

Having much considered this case, a variety of things, Mr. Fox said, occurred to him to be fit to be done; and objections at the same time occurred to almost every one of them. He considered how far he should complain, and when he came with any thing like a complaint to the House, he begged leave to say how far he meant any thing against the Court of King's Bench. He did not suppose that they had acted from any motives of direct corruption, or from party purposes; if he had supposed any thing of that sort in their minds, he should have looked whether he had any means of proving it, and if he had, he should not then have shrunk from the inquiry; but he was perfectly convinced of the contrary. He conceived, if there had been any thing wrong that they had done yet, it was from error, and from the difficulty of their situation, as the law now stood on the subject of libels. He therefore was not going to move any thing which could be construed to be at all like a censure on the conduct of the Judges; but was the measure therefore, he would ask, to sleep? Ought it to be so? Was he to stand by and consent, he would not say, that an innocent man, but what was nearly the same thing, that a guilty man was to suffer much more than he deserved to suffer? There was, therefore, one view at least, in which he should have brought forward the business, and that was to move to present an humble address to the King to pardon Luxford; but he had been told, how truly he knew not, that the most severe parts of the sentence were already done away, and therefore, perhaps an address would be useless. However, if he went into the Committee, he should certainly move, that an address be presented to His Majesty, to intreat His Majesty to pardon John Luxford.

With regard to opinions entertained in that House, he knew, he said, that there were those who maintained an opinion, that in order to preserve a proper respect to Courts of Justice in this country, no man should interfere in any thing done therein, lest it should be interpreted into an indirect censure, but that if the Judges had committed any fault, an address should be moved to His Majesty, to deprive them of their situations. That opinion, he said, he conceived to be wholly unfounded, and declared he would never consent to such

ſuch an addreſs againſt any Judge, unleſs it was for notorious incapacity, or the exerciſing his authority *malo animo*. If that were ſo, how, Mr. Fox aſked, could it be maintained that they ſhould allow innocent men to ſuffer, and permit the guilty alone very frequently to eſcape; and thoſe who have committed trifling faults to be ſeverely puniſhed? It would, perhaps, be ſaid, that they ought not to interfere till they could produce ſome proof of perſonal iniquity; but whenever he conceived that Courts of Juſtice acted in any way ſo as to pervert the principles on which they were founded, and to produce miſchievous effects, he thought it was his duty (he declared he ſaid it without meaning any diſreſpect to the Judges) to take their conduct into conſideration, and to oblige them to apportion their diſcretion in the puniſhment of crimes, as nearly as poſſible to the offence, in ſuch manner as to make them be approved of by the juſt, by being reaſonable, and by being ſuch as the common ſenſe of mankind would commend. Mr. Fox ſaid, that when he had conſidered the ſubject of this particular libel, he was led to conſider the ſubject of libels in general; thus, in the way of inuendo and inference, he was led to conſider who were to be judges. If the jury were to be the judges of inuendos, it was contended that they ought not at leaſt to be judges of inferences, but that thoſe ſhould be referred to the Court. He confeſſed he ſaw no rational ground for ſuch a diſtinction; for, in his opinion, if any plain man met on the jury, and was capable of filling up the inuendos, he was at leaſt capable of drawing an inference of fact, of one fact from another. If a perſon maintained that ſuch a libel excited the French againſt Great Britain, that was an inference of one fact from another fact, upon which a man could gather light from his own mind, but with reſpect to which, he could gather no light from all the law books in the world. To him, Mr. Fox ſaid, it appeared to be a ſtrange idea, that a jury, although it could fill up an inuendo, could not draw an inference of fact. This led him to conſider whether, where law and fact were mixed together, a jury could not judge of the law as well as the fact; and on this complicated buſineſs he ſhould ſtate his ideas to the Houſe. He had looked into ſeveral books on the ſubject, and as the point had been handled in very modern times, he had begun with the moſt modern writers. He had looked as deeply into the ſubject as it was poſſible for him to do. He would not ſay all that he thought, in the preſence of his honourable and learned friend, on the ſubject of his honourable and learned friend's ſpeech in the caſe of the Dean of St. Aſaph; a ſpeech ſo eloquent, ſo luminous, and ſo convincing, that it wanted but in oppoſition to it, not a giant, but a man; not a pigmy, or a dwarf, but

something like an adverfary capable of coping with it. He had, Mr. Fox faid, endeavoured to find out if there was any argument on the other fide of the queftion; he was perfectly aware, that in matters of law, as indeed in all other matters, great authorities were arguments; but authorities, great as they might be, muft, he faid, fome time or other, clafh with reafon, and if the authorities were clear one way, and reafon another, it would produce the greateft of all mifchiefs, for reafon muft triumph, and the effect would be, that it would deftroy in future all reverence for authority, and would therefore do away that fpecies of argument.

On this fubject Mr. Fox obferved, there were not fmall fhades of difference of opinion only among eminent lawyers, but they differed according to the common expreffion, *toto cælo*; the opinions of fome being diametrically oppofite to thofe of others. It was the opinion of the Court of King's Bench, that the jury were to find the publication, and inuendos, and that the queftion of intention was afterwards completely left to the Court; the Court were to confider it in the nature of a fpecial verdict. He found opinions maintained directly the reverfe. He was, Mr. Fox faid, of opinion that many of the things ftated were matters of fact; but whether they were matters of fact or law, where the general iffue was joined the jury muft confider fuch general iffue, and give a verdict compounded of fact and law. Thefe opinions, Mr. Fox obferved, were not of modern date; the firft man he apprehended who ftated that opinion, was a perfon of the name of John Lilburn, who immediately after the beheading of Charles I. and during the exiftence of the commonwealth, was indicted for a treafonable paper. He expreffed himfelf, Mr. Fox faid, truly and properly in principle, though his words were coarfe and his phrafes homely. With regard to his acquittal or condemnation, John Lilburn declared the jury were all and every thing; that the judges were mere cyphers, and their duty was folely to regifter the verdicts of the jury. The reply to John Lilburn's obfervation, was a fpecimen, Mr. Fox remarked, of the temper of the times and the difpofition of thofe days: in anfwer to this, Judge Jermyn, who prefided on that occafion, faid, it was a damnable and blafphemous herefy to call the judges cyphers! Lilburn, however, was acquitted in fpite of the anger of the Judge, and in fpite of the influence of Cromwell. For a long period after that, Mr. Fox obferved, the bufinefs had not been confidered in the way he confidered it, till of late years, and it feemed rather extraordinary that it had fo happened. Here Mr. Fox went through the law and practice refpecting libels in the reigns of Charles II. James II. and part of that of King William. He would, he faid, ftate a

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circumſtance that was rather to be looked upon as a conjecture than as a certainty; from the reformation till ſome years after the revolution, the jury had only to conſider whether ſuch a thing was publiſhed with or without a licence; if it was publiſhed without a licence, it would conſtitute a crime; and the Court afterwards conſidered the malignity of the offence. He hoped it would not be regarded as cavilling on the ſubject, to declare *ex vi terminorum*, that it appeared a ſolecism to ſay that to a general iſſue joined, a ſpecial verdict ſhould be given; it was obvious that the jury muſt give a general verdict according to the general iſſue. It ſeemed ſtrange to him, Mr. Fox ſaid, to be told, when he was accuſed of ſeditiouſly writing a libel, that he ought to plead generally. The law ſaid, you might plead the general iſſue of not guilty. The general iſſue of not guilty was pleaded, becauſe in order to any one being guilty, it muſt be proved that a libel was written, and written by ſuch a perſon. A great deal of ſtreſs was to be laid on the word guilty. He did not, Mr. Fox declared, comprehend on what principle the law of England, with all its liberality and juſtice, could pronounce any man guilty without previous inquiry into his guilt. If any book had been written, and the author had been indicted, he was pronounced guilty, before there was the leaſt guilt proved. Guilt, he contended, muſt be proved before it could be inferred. Men were not to be convicted on the word guilty, and after the word guilty was pronounced by the law, as it at preſent ſtood, it were to be determined whether the writing was culpable or meritorious. By going on further, an argument ſuggeſted itſelf to him, which he conceived to be ſtrictly concluſive on the ſubject, and the ſtrength of which was univerſally acknowledged by almoſt every judge; by Lord Raymond, Mr. Juſtice Lee, Earl Mansfield, and Mr. J. Buller, with many of whom he differed, viz. that it was in the power of the jury to find, not guilty. He was not, Mr. Fox ſaid, ignorant that power and right were not convertible terms. But if a power were veſted in any perſon, it was ſurely meant to be exerciſed. Mr Fox mentioned Mr. Juſtice Aſhhurſt, who, in ſpeaking of right and power, obſerved, with reſpect to power, that a highwayman has the power to rob you, though the deed be a crime againſt Divine and human laws. Mr. Fox conceived there was a power veſted in the jury to judge of law and fact, as often as they were united; and if the jury were not to be underſtood to have a right to exerciſe that power, the conſtitution would never have entruſted them with it. That the conſtitution ſhould have entruſted to the jury a power which was never to have been exerciſed, was, he declared, beyond his comprehenſion. He thought it proper to attend

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to the few arguments which he found on the other side of the question, and which all went on grounds that struck his mind as different from this. He could not view the law and fact in any other light, as separate, but as a confusion of ideas in those who granted the first principle, *ad quaestionem facti non respondent judices; ad quaestionem legis non respondent juratores.*

Mr. Fox begged leave to enquire into this a little: when a man was accused of murder, a crime consisting of law and fact, the jury every day found a verdict of guilty; the jury felt themselves, in that case, bound to judge both the law and the fact. How, Mr. Fox asked, did they do this? By the advice of the Judges. Here again, he said, without cavilling about words, it was fair to infer, that the Judge who advised the jury, advised them only in cases where they had jurisdiction. If the jurisdiction had been in the Court, and not at all in the jury, the Judge would have prevented the latter from acting altogether, and would have taken the jurisdiction to himself, but they knew it was the province of the jury to judge of law and fact; and this was the case not of murder only, but of felony, high treason, and of every other criminal indictment. Libels were the only exception, the single anomaly, and if it were so, it was a great one indeed. When he turned his thoughts towards the decisions of Lord Mansfield, and it was with all the respect and reverence due to his character, his doctrine on libels amounted to this: to consider a verdict on the case of a libel in the nature of a special verdict. In that case, therefore, the jury, Mr. Fox said, were compelled to give a special verdict, which ought to be always matter of choice; but on this they were not left to their choice. There was a very material difference between a special verdict, in the case of a libel, and other special verdicts. In the latter case, the Court must, he observed, give its opinion with regard to the law, but in a special verdict for a libel, no such thing took place, and there was no necessity for the Court to give any opinion, unless a motion was made in arrest of judgement. On a special verdict, in the case of a libel, judgement followed, unless a motion was made to arrest the judgement; whereas they could not do so in cases of murder, or of felony; in fact, they could not do so in any other case whatever. Without any declaration from the Court or jury, judgement, it had been held, should follow; and in cases of libels, if what Lord Mansfield said were true, it did follow. The jury found the publication and inuendos, and yet what, said Mr. Fox, had been proved against the defendant? Nothing. All that appeared was, that a man had written a book which might be, perhaps, innocent, perhaps meritorious: the Court had passed

no

no judgement upon it; the jury had given no verdict in it; but though no guilt had been proved, yet as a motion had not been made in arrest of judgement, he must be punished as a libeller.

Was it, Mr. Fox asked, agreeable to the law of England, that the *onus* should lie on the person accused, to prove his innocence, and not on those who accused him, to prove his guilt? The arguments on this subject were chiefly drawn from authorities, and if the House thought it worth their while to go into a Committee, they would find those authorities extremely inconclusive. Mr. Fox contended, that if the jury had no jurisdiction over libels, the Counsel became libellers for speaking before a tribunal which had no jurisdiction; their eloquent speeches to heighten the enormity of the libel charged, on the one hand, and their exculpatory harangues in favour of the delinquent on the other, were not only needless but improper. If the Court were found in their law, they would not, he said, permit such pieces of eloquence to be delivered. In the case of the King against the Dean of St. Asaph, the Judge stated, that he suffered it, in order to satisfy the minds of standers by. When a jury was in a Court of Justice, in order to enquire into the innocence or guilt of a man, and they did not enquire into the criminality at all, but only enquired into the fact of publication, the Counsel get up to speak on one side of the question; and as that was an irregularity, the Counsel on the other side must be indulged with an answer; and thus, one irregularity was committed after another, as was sometimes the case in that House. Could he believe that Lord Mansfield, whose integrity as a Judge no man would dispute, should fall into opinions so little fitting his high situation, and his dignified character! His Lordship had, Mr. Fox observed, got into a situation which there was no defending, without departing from that meekness of heart so peculiar to his Lordship. There was some shade of difference, certainly, in the argument between that noble Earl and his colleagues. He had, Mr. Fox said, laid it down throughout, that it was unnecessary to prove malice; at the same time he agreed, that the defendant, if he bring any witnesses or evidence to rebut the presumption of guilt which lay against him, might produce such witnesses or evidence, and on that the jury would form their judgement. Mr. Fox wished this to be considered a little; he could not help saying that there appeared to be something of confusion in the noble Earl's ideas of that subject. He did not want proof of the malice, for the publication would be sufficient ground to infer malice or not. In case of murder, a man might say, he did not want any proof of malice, because the fact spoke the malice; but then, let

the reaſon be ſtated why proof of malice was not neceſſary the fact was, that proof of malice was not wanted, becauſe it was evident that it did exiſt What, Mr. Fox aſked, was the caſe of libels? No proof was deemed neceſſary, but the bare publication was taken to be ſufficient proof. He ſhould, he ſaid, illuſtrate, as well as he could, the policy and legality of bringing evidence to rebut a preſumption drawn from this circumſtance. A preſumption was not a thing diſtinct from proof, but was a ſpecies of proof, of proof inconcluſive, till the contrary was eſtabliſhed. The noble Lord might hear what he pleaſed to rebut this. If the jury could hear the evidence, they muſt judge of the evidence; they muſt include a judgement on the preſumption; and they muſt do that by weighing the preſumption and evidence, and by comparing the one with the other; and therefore, the moment that it was admitted that they could bring evidence to rebut the original preſumption, they muſt judge of that preſumption; for they can only judge of the evidence, by comparing it with the preſumption. If, Mr. Fox ſaid, he were of opinion that the jury could not judge of the innocence or guilt of a paper, he ſhould tell them, they had nothing to do with it

There was another part of the doctrine of the noble Lord, (Lord Mansfield) which appeared to him ſtrange and unaccountable. It was admitted not only in caſes where there were innuendos, but where a libel was ſuppoſed to be without an innuendo, and where the words were all plain, it was admitted, that if a part of a writing was libellous, and another part not libellous, they had a right to bring the whole before the jury in evidence Mr. Fox aſked, on what principle the jury were to look at the whole, but that they might know whether the paper was libellous or not? If the jury had nothing to do with the guilt or innocence of the paper, but were only to give a verdict on the publication, it would be perfectly idle and ridiculous to lay the whole of the evidence before the jury, who, as Lord Raymond emphatically expreſſed himſelf, "had nothing to do with it." All the admiſſions made on that ſide of the queſtion, appeared to ſhew its weakneſs, and nothing remained to be conſidered but authority, and that authority he ſhould conſider as ſhortly as poſſible Mr. Fox here conſidered the opinion of Lord Holt, in the caſe of the King againſt Vere Lord Holt, and two or three of the other Judges, did expreſſly declare their opinion on the ground of the jury having found *fraudulenter et malitioſe*, they thought the verdict ought not to be arreſted. In the caſe of the King againſt Touchin, the opinion of Lord Holt was directly the reverſe of what it was in the former caſes, and he left the criminality generally to the jury.

In 1731, in the time of Lord Raymond, the present doctrine of libels was introduced. But although this doctrine had been univerſally held during ſixty years, he hoped no man would contend that it ought to be law. Indeed that principle of law was ſo abſurd, ſo vicious, ſo untenable, and ſo impoſſible to hold conſiſtently, that in the practice of this reign, and eſpecially in the practice of Lord Mansfield himſelf, it was not adhered to. In the caſe of the King againſt Woodfall, the principle was ſlightly touched upon; but in the caſe of the King againſt Horne, there was a complete acknowledgment of the arguments of his learned friend (Mr. Erſkine) whom he had the honour to follow in that place. He ſaid, he had the notes on this buſineſs from others, and he entertained not a doubt but that they were correct, though he would not vouch for their authenticity. Mr. Fox then read a long extract of the ſumming up of Lord Mansfield, at Guildhall, in the caſe of the King againſt Horne; Lord Mansfield had at that time ſaid, that it was a matter for the judgement of the jury, and that they were to decide on the criminality. Theſe were nearly his words: "You will judge whether it "conveys a harmleſs, innocent propoſition, for the good and "welfare of this kingdom, the ſupport of the legiſlative Go-"vernment, and the King's authority, according to law; "or whether it is not denying the Government and legiſla-"tive authority of England, and juſtifying the Americans, "&c.; and if it was intended to convey that meaning, there "can be little doubt whether that is an arraignment of the "Government, and of the troops employed by them or not. "But that is a matter for your judgement. You will judge "of the meaning of it; you will judge of the ſubject to which "it is applied, and if it is a criminal arraignment of theſe "troops, acting under the orders of the officers employed by "the Government of this country, you will find your ver-"dict one way; but if you are of opinion that the conteſt "was to reduce innocent ſubjects to ſlavery, and that they "were all murdered, why then you may form a different "concluſion with regard to the meaning and application of "this paper." This doctrine was completely denied in the caſe of the King and Shipley. If theſe accounts, ſaid Mr. Fox, were correct, that great and reſpectable authority, Lord Mansfield, was not perfectly conſiſtent with himſelf. In the caſe of the King againſt Horne, they were to conſider the publication, and from the nature of it, and alſo from other circumſtances, to infer the intent of the perſon accuſed. No gentleman could ſuppoſe that he meant to lower that great and reſpectable man; but he could not, Mr. Fox ſaid, do juſtice to the ſubject without ſtating the inconſiſtencies he had enumerated. It was not with a view to diminiſh the

Mr. Fox said, although he had been able to shew to the House, that the law of libels was contrary to the original principles of law, and dangerous to the constitution, yet when he would suggest a remedy for these evils, he found himself incapable of doing it, without the assistance of the House. If the Committee were clear as to the law on the subject, he thought the wisest and most proper measure would be to enact a declaratory law respecting it. If the Committee were of opinion that the high authorities on the other side of the question, made the law doubtful, they might settle the law upon the subject in future, without any regard to what it had been in time past. Before he dismissed the subject of libels, Mr. Fox said, he would refresh their memories with what he had said on special verdicts; and what he said on that subject, he declared he did not say without mature consideration. The Court asserted, that all verdicts on libels were of the nature of special verdicts; and yet he was informed, on good authority, that if another kind of special verdict, viz. the verdict properly so denominated, were given, it would not answer the purpose. If a report of special verdict was made, without the word 'guilty,' no judgement could follow; they were, therefore, only deceiving the jury. All this, Mr. Fox said, had been very fully stated in the case of the King and the Dean of St. Asaph, and afforded a very strong argument for the idea which he had espoused. He contended, therefore, that in all cases of libels the jury should be permitted to give a general verdict, and to judge of the intention, as well as of the publication.

Mr. Fox having finished the subject of libels, wished to call the attention of the House to another subject of very great importance; but this, he said, he should do in as concise a manner as possible. By a statute of Queen Anne, regulating proceedings by *quo warranto*, every corporator might inform himself of the corporate situation of any other members of the same borough. Any private man might make his application, and, according to a late opinion, the Court has a discretionary power of granting or refusing it, as they think fit. Another opinion on the subject was, that the Court had no such discretion; the former opinion, however, was the best. The Attorney General might also, of his own authority, move for informations, in the nature of *quo warranto*, as well as others. The Court of King's Bench had endeavoured to lay down a rule to guide their discretion; Lord Mansfield had laid down twenty years as the space of time after which, in no cases, applications should be made to disturb men in their franchises; and even within that time the Court very frequently refused such applications; but about two terms ago, the Court of King's Bench had greatly shortened

ſhortened the period within which people might apply for ſuch informations. They had determined if a man had enjoyed his franchiſes without interruption for the ſpace of ſix years, he ſhould never be called upon after that period. Mr. Fox wiſhed to ſay a very few words on the wiſdom of this regulation. He thought the rule ought only to have been proſpective and not retroſpective. The Court ſhould have given notice of their intended rule ſome time before it began to operate, becauſe people knowing that the law allowed them twenty years, uſually thought they had abundance of time, and therefore lay by. This was not only unfair, but it was unjuſt.

There was another very ſerious view in which he ſaid the ſubject might be taken into conſideration. That Houſe, as vigilant guardians of the conſtitution, ought to watch againſt all poſſible inroads. The Attorney General, as already ſtated, could of authority move for informations. Private ſubjects were confined, within ſix years; the King's Attorney General, however, was ſubjected to no ſuch inconvenience, being wholly unlimited in point of time. It always happened, that the King's Miniſters were more or leſs concerned in elections; and, conſequently, the Attorney General might move for a great many informations againſt thoſe who were not friendly to him or his aſſociates. As the law before ſtated, this was attended with no inconvenience, becauſe if A. moved againſt B.'s electors, B might move in his turn againſt the electors of A. But by the laſt rule of the Court of King's Bench, private men were greatly cramped and confined, whereas the Attorney General, on the part of the King, might move at any time, and hence the maxim [illegible] *nullum tempus occurrit regi*. Corporators after ſix years, were ſafe againſt every man but the King, ſo long as they exerciſed their franchiſes in a way not hurtful to the intereſt of the King; but if they were to exerciſe their privileges [illegible] to the intereſts of the Crown, the King's Attorney General might come and take their franchiſes from them. This, Mr Fox ſaid, was an immenſe additional weight to the prerogative of the Crown, and might prove extremely dangerous to the liberty of the people. The remedy he meant to propoſe, appeared to him to be perfectly unexceptionable. He thought there ought to be a ſtatute, regulating the conduct of the King's Bench, with regard to the granting of ſuch informations, and giving double coſts in caſes of frivolous applications. He conſidered it as highly inconvenient, that the rule of limitation of the King's Bench did not exceed the length of a Parliament, and he wiſhed it, for obvious reaſons, to extend to eight or nine years. He farther thought, that the power of the Attorney General, in

this

this reſpect, ſhould be taken away, or at leaſt aſcertained; and that the Crown and the ſubject ſhould ſtand preciſely upon a level. Mr. Fox ſaid, he had ſtated all the matter that occurred to him as the ground for going into a Committee. If any gentleman had any additional grounds, he could wiſh him to ſtate them.

Mr Fox proceeded to obſerve, that there was, on the ſubject of libels, one great and popular topic, which he had omitted, without having ſaid any thing upon it. He declared he had not forgotten it, but had purpoſely omitted it. It was a queſtion that had been much canvaſſed in the world, viz the doctrine that truth was not only not a juſtification, but a libel was more a libel becauſe it was true. With reſpect to this queſtion, he ſhould not meddle with it, becauſe he conceived it to be a moſt difficult queſtion. To ſay that truth was not ſometimes a juſtification, would be very extraordinary indeed; and yet there certainly were caſes in which truth would not be a juſtification but an aggravation. Suppoſe, for inſtance, a man had any perſonal defect or misfortune, any thing diſagreeable about his body, or was unfortunate in any of his relations, and that any perſon went about expoſing him on thoſe accounts, for the purpoſe of malice, and that all theſe evils were day after day brought forward, to make a man's life unhappy to himſelf, and tending to hold him out as the object of undeſerved contempt and ridicule to the world, which was too apt to conſider individuals as contemptible for their misfortunes, rather than odious for their crimes and vices? Would any man tell him, that in caſes of that ſort, the truth was not rather an aggravation? On the other hand, in queſtions relating to public men; verity, with reſpect to public meaſures, ought to be held to be a complete juſtification of a libel, if it could be called a libel in that ſituation. Mr. Fox ſaid farther, that if any man had ſtated any thing that was of great importance, upon its being taken amiſs by another, the truth of it, if it could be proved, was not only a mitigation, but, in his mind, a complete juſtification. He would aſk, therefore, how long were they to be negligent about the rights of juries? It behoved the Houſe to be anxious to eſtabliſh thoſe rights, and by that means to ſecure the liberty of the preſs. He conceived, that the beſt way would be, to permit every defendant to prove the truth of a libel, if he thought proper? and then to conſider what effect that ought to have, whether it amounted to a juſtification or otherwiſe, and to let it affect the judgement either way in proportion. He did not, however, mean to bring this forward, unleſs it met with the general concurrence of the Houſe. God knew what he had ventured to bring forward was much beyond his ſtrength,

and he should not have brought it forward, if he had not thought it a duty which he owed to the public, and the more particularly at this time, when it was the fashion to go into discussions on the theory of the constitution for various purposes.

Mr. Fox said, they ought to consider the main spring upon which the constitution turned. They all knew there were two or three great springs upon which it turned, and it was the indispensible duty of that House, as far as it could, to keep those springs in perfect strength and vigour. He thought he saw, amidst all the minuter parts, the two most important of these main springs, viz. the representation of the people through the medium of that House, and the juridical power of the people through the medium of juries; and it appeared to him, that even although the other parts of the system fell into disorder, yet, if these main springs were preserved in full vigour, the rest might be repaired; but if these two springs gave way, all the rest must fall completely to destruction. Mr. Fox declared, that he had always considered the powers and privileges of that House to be that part of the constitution which they were obliged to watch over, and obliged to maintain. Another thing of infinite importance was the right of the trial by jury. This, he said, could not be complete, unless, in every criminal case, where the law and fact were mixed, the jury were the judges; and unless the intention was to be decided by the jury, and not by men who could only judge by means of books, and many subtleties and distinctions, but could never find out the heart of man, and distinguish between his actions.

Mr. Fox begged that he might not be told by any gentleman, "you have done much right and much wrong, but on "account of what is wrong you shall not obtain what is "good." He said, he was willing to take one half, nay one fourth, or any thing that he could get, rather than lose the whole. He thought he had done his duty in bringing forward the business, and he hoped there would be a majority for going into the Committee. Mr. Fox here took notice of a similar motion that had been brought forward in the House of Commons some years ago by that sound constitutional Lawyer, Mr. Serjeant Glynn, who had brought forward the subject in a more masterly and scientific manner, than he was able to do. He confessed he had been one of those who voted against that motion, which was rejected on account of certain doubts that were entertained concerning it, and a fear that it might weaken the authority of the Court of King's Bench, &c. but upon reflection he now thought his reasons had been weak and ill founded. In the case of the King against Topham, Mr. Fox said, there was some colour

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for the Chief Justice agreeing with him. On the present occasion, he was glad to grasp at any thing; and the House must now speak out plainly, and say whether they meant to confirm the rights of juries, or to vote against the rights of juries, and to add the weight of Parliament to the weight of the Court of King's Bench. Mr. Fox declared, before he sat down, that he had intended to bring forward this business in the course of the last Parliament, but had been prevented by other business; and another consideration for his deferring it, was, the expectation and hope of his having the able assistance of his honourable and learned friend, (Mr. Erskine) an expectation and hope in which he had not been disappointed. His honourable and learned friend would now have an opportunity to crown the work which he had so nobly begun, and give his sanction to an act of Parliament to insure to his country, and to posterity, the real existence of those rights and privileges, the theory of which he had formerly defended so eloquently, so ably, and, in point of reason, so triumphantly, though in point of event, unfortunately and unsuccessfully.

Mr. Fox concluded his speech with moving, "That the "Grand Committee of Courts of Justice do sit on Tues-"day next."

Mr. Erskine.

Mr. *Erskine*, in rising to second Mr. Fox's motion, declared his inability fully to express the gratitude which he, as one of the public, felt to the right honourable gentleman who had just sat down, for this instance of the many endeavours which he had made to establish the principles of the constitution upon their true basis, and to promote the best interests of the country. The panegyric which had been made on the arguments that he had brought forward on a former occasion, must indeed lose much of its force, when those were compared with the arguments which had now been advanced, in a speech, not more to be admired for the splendour of its eloquence, than for the wonderful order and arrangement of its parts, the strong proof of accurate memory that it evinced, the forcible manner in which the sound constitutional principles it contained, had been stated, and impressed on the minds of all who heard it. Having premised this, Mr. Erskine observed that the objects of the present motion were two: first, the practice of the Courts with regard to libels; and secondly, the information by *quo warranto*. The motion, he trusted, would be unanimously adopted, from the declaration of his right honourable friend, that whatever might be the opinion of gentlemen, with regard to a particular prosecution, he trusted it would not interfere with their sense of the necessity of attending to the great and general object. Nothing was so well calculated to prove how

how much this unanimity might be expected, as the circumstance, that, though he differed with his right honourable friend with regard to the particular prosecution, he now rose to second his motion. He meant, however, likewise, to differ in his mode of treating the subject. His right honourable friend had taken it analytically; he meant to take it the other way, and instead of reasoning from any particular case to the original causes, to begin from the origin, and then trace it in its effects. The positions with which he would set out were,

1st, That the law of libels was repugnant to the principles, and inconsistent with the practice, of criminal justice.

2dly. That it cramped the liberty of the press, promoted its licentiousness, and brought our most valuable privilege of juries into continual danger.

3dly, That the evil was in its present stage incurable.

Lastly, that the subject was too complicated for any individual to bring in a bill which should fully answer the purposes proposed, and required immediately the interference of the House.

Mr. Erskine said, he should beg to enter his protest, in what he was going to say, against any idea of conveying blame or censure on the conduct of any of the Judges. So far was he from entertaining any intention of this sort, that he was convinced, that if his Majesty should place him in the same situation, he could not, consistently with the constitution, adopt any other line of conduct, than that which was pursued by them.

Libels, he observed, might be divided into three classes. 1st Those which were subjects of civil action, as those which affected lives, property, liberty, or which occasioned any actual damage. 2dly, Those which were punishable by indictment; which included all that might any way disturb the public peace. The third class took in those libels which were of most important consideration, particularly all those which had a tendency to sow sedition. The law of libels, by civil actions, he said, was as ancient as the law itself. Reputation ought to be secured by law. A good name was a property not less valuable than an estate; and which, in case of any injury, ought equally to admit the means of redress. The Judges, no doubt, were the depositaries of law in matters of property. But what had a tendency to undermine and utterly destroy the constitution, was the circumstance of confounding crimes with civil actions. It was this circumstance, Mr. Erskine observed, which brought into hazard our most invaluable privilege of juries, a part of the

constitution which ought to be looked on with the most peculiar reverence. The jury he regarded as the Commons House of the judicial system, as affording that safeguard to the people, which excluded the encroachments of power, and the injuries of oppression. Government, it was well known, was now to be supported upon the foundation of reason. It derived its sacred nature from the advantages which it produced to its subjects, and maintained its authority from the blessings which were enjoyed under its administration. The monarchy of Great Britain, said Mr Erskine, for which no man could entertain a higher respect than he did, would not exist one hour, if the spirit of the enquiry of his right honourable friend was not adopted. Yet this monarchy he would wish to be immortal. It possessed all the speedy execution of the most absolute monarchy, while the freedom of the most perfect democracy was secured by the representation of the people in the House of Commons, and the trial by juries. The grand and petty juries were placed as a protection between the Crown and the people; and were it not for the intermediate security which they afforded, the power of the Crown would crumble into dust the liberties of the people. Yet he could prove, that the trial by jury did not exist in those cases which affected the liberty of the press; by which opinions were communicated, information extended, and effects produced, of the greatest magnitude, in any season of national alarm and danger. The constitution, continued he, made a difference between civil and criminal cases. But here was the misery of that practice, which he was now to state. A learned Judge had alledged, that they were entitled to apply the same rules in both cases. But in order to show the power that was given to the Judges in a civil case, it was entered upon the record; and they afterwards were entitled, if it should not meet with their approbation, to set aside the verdict of the jury. But in a criminal case though it was stated upon the record, it was necessary to ask leave of the people, and the jury, if they pleased, might throw out the bill. The difference was, that in the one instance it came from the authority of the Court, and in the other from the authority of the people. To diminish the privileges of juries, Mr Erskine said, was to throw away the only security which the people at present possessed from the prerogative of the Crown. In civil cases, not only the authority of the Judges was established to judge of the law, but likewise to prevent the jury from interfering with what in this respect fell immediately under their province. Law and fact were kept as much asunder by the principle of our constitution, as night and day by the established system of nature: matters of property were wisely deemed too intricate for the decision of a jury.

a jury. But, crimes, whose guilt consisted in their intention, were peculiarly fitted for their consideration, and could only properly be ascertained by their verdict. In cases of property a new trial might be moved for. But if the jury should acquit a criminal, not even the King could afterwards attaint him. In the one case, the business originated from the Court, in the other from the people. In the one case, the verdict might be thrown out, but in the other could not.

Mr. Erskine stated, that by the present system of things, by merely entering the word *literatim*, upon the record, a man might be hanged by the Attorney General for high treason. In such an exercise of authority as this, Mr. Erskine said, there was an end of the protection of juries. In the present way of treating libels, the Judge says to the jury, "If you find the publication, you are bound to find "him guilty; if we find him not guilty of a libel, there "may then be an arrest of judgement." But should he, he said, as counsel for the defendant, move an arrest of judgement, upon the plea that there was no libel, the Judges would answer, "That the jury had already found "the malicious intention." In so enlightened an age, the absurdity of the case was indeed astonishing. In the instance of a duel, where the alternative was either that the individual should be banished from society, or expose himself to the hazard of taking away the life of another, at an equal risque of his own, the crime was murder; yet during the course of his experience, in such an instance, murder had never been found. It was however in the power of the Attorney General to render it murder, by putting *literatim* upon the record. If the defendant shall appear guilty of all those facts, by the verdict, he must be found guilty; but if there should afterwards be discovered to have existed no malicious intention, judgement might be arrested.

He should now, Mr. Erskine continued, taking an opposite course from his right honourable friend, enquire how the evil began. He thought that the Judge ought to state his opinion in libels, as in all other cases, and trust the decision to the good sense and equity of the jurors, which he seldom knew to fail. Upon the revival of letters, printing soon discovered the influence which it possessed over the state, and employed itself in political and theological discussion. The Star Chamber was then instituted in order to exclude the interference of juries to punish any attempt that might be made to detect the misconduct of a bad Government, and the errors of a false religion. In wishing to abolish this most tyrannical, unjust, and oppressive engine of power, the Star-Chamber, it was certainly the wish of the people to unite the

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harmonious system of Judge and jury; the one communicating light from the sources of law, the other investigating the nature of facts, and cooperating in the impartial execution of justice. After the abolition of the Star Chamber, there had taken place, before the recorder, the trial of Penn and Mead, who had been accused of seditious preaching in Grace Church. The jury found only a verdict, guilty of speaking to so many people; and though the Judge sent them back, yet as they would bring no other verdict, he fined each of them a few marks. One of those jurors, a second Hampden, resisted this unjust sentence, not on account of the sum required to be paid, which was trifling, but because, if he should pay a farthing, he should regard himself as submitting to a humiliation dangerous to the liberties of his country, and becoming a slave by his own act. He said, he would here quote a respectable authority, that there never could be a question of law unmixed. There must first, he observed, be proved the facts from which the law was to be raised. If the Judge told the jury, that unless they acted so and so, they would be transgressing their duty, it was putting them under a restriction more grievous than the penalty of imprisonment; it was an imprisonment of the mind. There was no fine to which he would not rather submit than such a restriction; of a fine, he knew the extent, and he might console himself under it with the reflection of the benefit that would accrue to the country from his verdict: but this was wounding him on the side of conscience; it was straitening him in the road of duty. If the Judge and jury, continued he, instead of respecting in one another the knowledge and abilities of which both were possessed, instead of co-operating in the same great end, the impartial administration of justice, bitterly opposed one another, what consequences could be expected to follow? Lord Raymond, upon the publishing of the Craftsman, had said, that certain persons had taken up a notion that it was the business of the Judges to explain to the jury the law; but no such practice really existed. Yet, strange it was, that he should have said this in the teeth of the decision in the trial of the seven Bishops. The Judges there, though under the corrupt influence of the Crown, falsely gave it as their opinion, that the petition was a libel, yet referred it to the decision of the jury. The jury gave as their verdict, that it was no libel; and notwithstanding the consequences of this verdict, and the complexion of the times, they incurred no penalty, nor even blame. The Judges had given their opinion in order to please the King, but they had not attempted to exercise authority, a sure indication of their consciousness that they did not possess it. In the case of the Dean of St. Asaph, in which he was

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concerned, the conduct of the opposite Counsel had been highly honourable. Though he stood with a brief for the Crown, he would not surrender the privileges of the people; yet what was conceded him by the adverse Counsel was not granted him by the Court. In the case of the King and Franklin, it was diverting enough to consider the only argument that had been advanced, and with no small importance, on the other side. A precedent, it seemed, had occurred during the time of Sir P. Yorke, in which a decision had taken place for the people. A song, called Packington's Pound, was composed on the occasion, the writer of which, it was said, exulted, as if the Judges had been outwitted, and the victory snatched from them by the jury. As a strong proof of this, a line, speaking of the jury, had been quoted,

"Were Judges of fact, but not of law."

Unhappily, however, this line, on which so much stress had been laid, which had been produced as confirmation strong "as proofs of holy writ," had been quoted from an erroneous copy; the line literally stood thus,

"Were Judges alike of the fact and the law."

Thus, by the literal quotation, was the argument reversed, and all the ingenious system that had been built on it, overturned.

Mr. Erskine said, he would now state a point that, from his own experience he was enabled to do, what had been the effects of this system. He had now been engaged thirteen years at the bar, during the course of which he had occasion to see and be acquainted with much practice. The officers of the Crown, in the discharge of their duty, he had found always to behave with mildness and moderation. But still he was of opinion that the matter ought to be left entirely to the jury. He would pledge himself, that in this event, they would do their duty. To them it belonged, and to them it should be entrusted to decide, whether what was accused as a libel was in itself innocent, meritorious, or malicious. The consequence of adopting the opposite system, was a perversion of justice; it was impossible to punish the criminal. In the present circumstances, every man was regarded by the jury as a victim, whom they were solicitous to save. The advice which he should give to any friend, applying to him in the case of a libel on his character, or dearest connexions, would be, not to prosecute; since by so doing, he would only confirm the slander, and leave his adversary to enjoy the triumph of impunity. Mr. Erskine wished, for the sake of

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that unanimity which was so desirable on the present question, that his right honourable friend would put aside the matter with which he had commenced. He indeed could not help taking notice of it, since it was this which had first set to work the vast engine of his mind. He wished, in order that nothing might be introduced in this business which should at all interrupt the harmony with which it might be renewed, that every thing should be avoided which should seem to lean either to one side or other, and that it might merely be made the instrument to establish the constitution upon its true principles. There was no doubt, Mr. Erskine said, of an inquisitorial power of this House over the Judges; it was the great key-stone of the constitution; but this power ought to be very cautiously and sparingly exercised; it ought to be kept in those recesses of the constitution, from which it should only be produced on occasions of the greatest emergency. It was not even desirable to speak hastily of the conduct of the Judges, in that House, as what was said there might be liable to misrepresentation.

He should mention, he said, one instance more of the oppression of the present system. An insinuation had appeared in one of the papers, that the Russian Ambassador was merely a spy. He should not even mention the name of his client, who had been accused with this insinuation as a libel; he was unwilling to renew any unpleasing remembrance. He had been sentenced to the pillory; yet he had produced in Court an attestation of a Physician, that at the time at which this paragraph appeared, his client had been delirious. As the counsel along with him, in the same cause, was a right honourable gentleman, on the other side the House, who was now high in the administration of the country, he had then travelled over pretty nearly the ground, and he trusted that he had since seen no occasion to alter his opinion, though he should not wish to be thought now to bind him in his conduct, by what he had then said of informations by *quo warranto*; he would briefly state, that they had been a source of accumulated absurdity.

Mr. Erskine stated different cases of *quo warrantos*, to prove, that Lord Mansfield, and the very same Judges who formed the Court, that laid down a doctrine respecting their limitation in one year, and at no greater distance than two years had held another directly the reverse: an evident proof how much they were pressed by the uncertainty of a matter, which from its nature ought not to be left to their discretion; and which the less it was so left, would be the more easy for them, and the more safe for the subject. Mr. Erskine concluded his speech with returning thanks to the House

House for their indulgence, and declaring, that he flattered himself that night the motion for the Committee would be carried unanimously.

Attorney General.

The *Attorney General* agreed with Mr. Erskine, as to his general argument, but differed from him, and the right honourable mover of the question, in regard to the mode of proceeding that had been proposed. He perfectly agreed that the Judges in their conduct had done nothing but what, whoever examined the stream of precedents flowing down for a long series of years, would find had been the uniform practice of their predecessors, and what consequently called for no sort of blame whatever. Neither the conduct of that venerable and most respectable Earl who had presided in the Court of King's Bench for so many years, nor that of his successor, Lord Kenyon, who was not only eminently qualified by his great legal knowledge to sit at the head of his Court, but by his daily decisions had proved himself to be a truly honest man, were reasonably to be questioned. However, he allowed, every man must agree, that there was something in the practice of the law of libels that called for amendment and explanation; but as his honourable and learned friend had said, (and judiciously, properly, and wisely had it had been said), great delicacy ought to be exercised in interfering with any subject of the nature with the present, lest the public should take the alarm, and be impressed with an opinion that there had been something wrong in the conduct of our Judges, or of our Courts of Judicature. With that view of the case it was, Mr. Attorney said, that he thought the moving for a Committee of Courts of Justice altogether unnecessary. The province of that Committee had been to receive and to enquire into complaints of improper conduct in the Judges; the moving, therefore, for such a Committee would create alarms and apprehensions in the minds of the public, who would naturally conclude that some part of the conduct of the Judges was complained of, and that clearly and avowedly not being the case, the Committee ought to be moved for, and the more especially as the object could be attained without having any such Committee revived. The Committee had not, he said, sat above two or three times since the restoration.

Here the Attorney General went into a technical history of the mode of trial in cases of libel ever since they had been snatched out of the Star Chamber, and in what particulars the Judge directed the Jury, and where the law arose out of the facts that came out in evidence. Having very fully explained this, and reasoned on it at some length, he asserted that a bill might be brought in to provide a proper regula-

tion at once, without the affiftance of the Committee of Courts of Juftice, which he thought ought not to be gone into. That Committee, he faid, had fat very rarely for this century. In the laft cafe that it did fit, it had been on account of a very flagrant injuftice, directly charged againft a Judge.

With regard to the other point, the *quo warrantos*, the Attorney General admitted that there was a neceffity for fome legiflative interference with refpect to them, becaufe twenty years was certainly too extenfive a period, and a period much fhorter might be attended with very great inconvenience. He inftanced the hardfhip of a man who was not a corporator having begun bufinefs in a corporate town, and after having expended a capital, being obliged, on the information of any perfon who thought proper fo to inform, to fhut up fhop and quit the place. If the corporation was the creature of the Crown, it gave Minifters an undue power over fuch corporations. Having explained this, the Attorney General took notice of the particular cafe, from which, as the right honourable gentleman had declared, his ideas on the general fubject had originated, viz. the cafe of Luxford; refpecting which he would mention a few material circumftances, and when he did fo, he begged the Houfe to carry along with them the recollection, that much depended on the time and the events of the time, with their natural operation on men's minds and feelings, becaufe on that refted, in a great meafure, the whole confideration. About a twelvemonth ago, he faid, he faw a publication in the Morning Herald, which he confidered as that fort of publication that called upon him in duty to felect for public profecution. The Attorney here read the paragraph to the Houfe, and commented upon it; obferving, that the natural effect of it would be to alarm the minds of the whole French nation, and inflame them againft this country, by holding out to them an affurance, that the Britifh Minifter had impofed upon the two Houfes of Parliament, and were arming, not as as was pretended againft Spain, but againft France, they meaning to take advantage of her then defencelefs fituation, and to attack Breft and Toulon. He conceived, every man who heard him was aware, that about a twelvemonth ago the French had abundant reafon to be in a ftate of peculiar apprehenfion, jealoufy, and fufpence; and, he would afk, if there was any one gentleman then in that Houfe, who had to learn, that at the time in queftion fuch was their jealoufy and alarm, that on the bare fuggeftion, or rather report in France, of an Englifhman having publifhed a pamphlet in that kingdom againft the proceedings then going on there, the lives of

every Englishman in that country were endangered. It ought also to be recollected that in consequence of our intercourse with the French, as well on account of the peace, as more immediately on account of the commercial treaty, great numbers of British subjects were at the time in France. Would it not then have been a dereliction of his duty, highly blameable, if he had neglected to have taken the means of immediately satisfying the French nation that we were not about to be guilty of a breach of treaty, and that no advantage was intended to be taken of their then defenceless situation? It had since appeared to him, he said, to have been the more necessary, as he had afterwards understood from persons who had resided in France, that the English newspapers were circulated in France, and the very libel in question had been translated into pamphlets, and had really created great alarms.

This, the Attorney General said, being *ex post facto*, was certainly no justification of him, but it at least shewed, that his opinion had not been altogether without grounds. That he was personally no enemy to the liberty of the press, he trusted, his conduct had evinced, but he could go further and assert, that it would be found from looking back, that the Law Officers of the Crown, for many years, had not, generally considered, been persecutors of the press. In the course of the last thirty-one years, the Attorney General said, there had not been more than seventy prosecutions for libels, out of which there had been about fifty convictions; about a dozen of these had received rather severe sentences, and in five cases, the pillory had made a part of the punishment. He enumerated the five latter cases, declaring, that two of those who had been sentenced to the pillory, had been for vending obscene publications, which had been with great industry insinuated even into our seminaries of education of both sexes; and therefore he had thought it his duty to select the persons, as examples, that the officers of government, whose province it peculiarly was to watch over every attempt to corrupt the morals and pervert the minds of the rising generation, had not been negligent of their duty; but here he must inform the House, that from circumstances of a nature extremely palliative to the parties having come to his knowledge after the trial, they were pardoned the pillory. Another offender sentenced to the pillory, was one for libelling His Majesty five years after his succession to the throne. There were also two others for libels against the Russian ambassador, which he thought it necessary to notice; there was another for libelling part of the Royal Family; and this last of Luxford, which he supposed the Court imagined to be of a nature similar to the libels against the Rus-

sian ambassador, (inasmuch as it tended to enflame the minds of the French against this country, when desirous of preserving the confidence and esteem of France) and therefore pronounced the pillory as a part of the sentence. He declared, to his mind, the libel in the Herald appeared to him to be one of the most mischievous in itself, and likely to prove the most dangerous to the country, of any ever published; nor was that sentiment singular to himself, as the officer whose peculiar duty it was to watch over the abuses of the press, laid his finger upon it the moment he saw it. With regard to himself, the Attorney General said, if he had been mistaken, and the paragraph was as innocent as the right honourable gentleman seemed to conceive it to be, he certainly had most wonderfully erred respecting it; for he owned he never more forcibly felt any thing to be his duty, than to endeavour, as far as in him lay, to convince France that this country was not unfaithful in its treaties, nor so cowardly or so treacherous in her conduct, as to wish to take advantage of the defenceless and disjointed situation of her neighbour. He again offered his humble opinion to the right honourable gentleman, that it would be more adviseable, for the reasons he had stated, not to move for the Committee of Courts of Justice, but to adopt some other less exceptionable mode of proceeding, declaring, that to the main object he felt no sort of objection.

Mr. Jekyll.

Mr. *Jekyll* said, he should feel himself but little entitled to a patient hearing from the House, if after two such forcible and eloquent speeches (the most eloquent perhaps that ever had been heard within those walls) he was to do more than make a few observations, which he thought it incumbent on him to submit to their consideration. His honourable and learned friend, who had just sat down, had objected to going into a Committee of Courts of Justice, and had said, that there had been seventy prosecutions for libels within the last thirty years, out of which mass, the septuagint that he had mentioned, there had been fifty or fifty two convictions; that was, Mr. Jekyll said, in his mind, the very reason why they ought to go into the Committee; because if the practice of the Courts in cases of libel had been, as he conceived it ought to have been, and the whole of the law as well as the fact had been left, as it ought, to the Jury, the convictions, he believed, would not have been above half the number. He complimented the Attorney General on his conduct, and in the language of Shakespeare said, "he had borne his faculties so meekly," that all men praised him; he therefore should be the last man to object to going into the Committee; but his honourable and learned friend, he observed, had objected on the ground that the Committee of the Courts of

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Justice had borne an odious name, and alarm might be taken that complaint had been made against the conduct of the Judges. His honourable and learned friend forgot that it had been expressly stated by the principal leaders of the debate, that they imputed no blame or censure whatever to the Judges; and as every thing that passed in that House went forth to the public, the public would hear that they went into the Committee for no specific charge, but merely for the purpose of investigation on a subject material to the public interest and the freedom of the people. Mr. Jekyll added one or two further observations, reminding the House, that the sole objection, as it then stood, was an objection of form and not of substance, which he hoped they would get over, and be as unanimous for going into the Committee, as they seemed to be for a wise and necessary reform of the practice of the Courts.

Mr. Pitt.

Mr. Chancellor *Pitt* rose and said, he was rather in hopes that the right honourable gentlemen would agree to the suggestion of his learned friend, and by that means procure a general concurrence with him as to the main object of his argument; in respect to which Mr. Chancellor Pitt declared, he was extremely desirous of stating that he did not see any ground on which any gentleman could have occasion to differ in opinion with the right honourable gentleman. He added, that he was ready to declare, that he thought the taking some step, at least to regulate the practice of the Courts on the trial of libels, and render it conformable to the free spirit of the constitution, was highly necessary. He said, he wished no more than the right honourable gentleman to cast any thing like blame on the noble and venerable person, who was entitled to universal reverence and respect, not more on account of his years, and his present unfortunate situation, than for his extraordinary abilities as a judge, and his eminent public services, for so large a number of years. That noble and learned Earl had done no more than tread in the steps of his predecessors; and even the honourable and learned gentleman who seconded the motion, had confessed that if he were himself on the bench, he should feel himself bound to decide in the same manner, unless the law were altered by the legislature. He saw therefore, Mr. Chancellor Pitt said, no reason for going into a Committee of Courts of Justice, in order to effect the wishes of the right honourable gentleman. He declared, that although he should with great diffidence set up his opinion against the uniform practice and authority of the Judges, yet he must confess that it went directly against that practice, and that he saw no reason why in the trial of a crime the whole consideration of the case might not go pre-

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cifely to the unfettered judgement of twelve men, fworn to give their verdict honeftly and confcientioufly, as it did in matters of felony and other crimes of a high nature. That being his opinion, and there not appearing to be a probability of difference of fentiment as to the main point, he faw no occafion for any difficulty as to the form and mode of effecting the object. The right honourable gentleman had heard the objection urged by his right honourable and learned friend, againft going into a Committee of Court of Juftice, when all intention of perfonal complaint had on every fide been exprefsly difavowed; an objection which in his mind had confiderable weight; but there were alfo, he faid, other reafons that occurred to him, why it would be better not to go into the Committee of Courts of Juftice. In the firft place, if any intention were entertained of going into an inveftigation of precedents and authorities, with a view to the forming of a declaratory law, it would be a work of more deliberation and time, than the period of the feffion afforded them any hope of completing before Parliament fhould be up. In the next place, he fhould not think it either neceffary or adviseable to pafs a declaratory bill, ftating not only what the law was, but alfo what it had been, becaufe that would in fome fort imply a cenfure on the Judges, and indirectly accufe them of not having adhered to the law. The whole object, he thought might be atchieved by a fhort legiflative bill, enacting what the law ought to be, and thence regulating the practice in future. If that idea were adopted, he faid, as fimple a bill, and as fhort a one, as could well be imagined, would anfwer the end, and the right honourable gentleman muft either move in the Houfe then, or on Monday, for leave to bring in fuch a bill; or if he thought that mode better, he might move certain refolutions either in the Houfe or in a Committee, ftating what the law ought to be, as the ground and bafis of fuch future proceedings as it might be adviseable to inftitute upon the fubject; and thofe refolutions might remain on the Journals to be followed up next feffion, by one or more bills either declaratory or legiflative, as the cafe might require. With regard to the other matter adverted to by the right honourable gentleman, and the honourable and learned gentleman who had feconded the motion, viz. the *quo warranto* informations, Mr. Chancellor Pitt faid, it was not his intention to go into any difcuffion of that part of the fubject then. Twenty years appeared to him to be an unreafonably extenfive period, undoubtedly, and perhaps the limitation of fix years which the Judges had lately adopted, might be too fhort; and confequently it might be proper to take fuch a limitation as would extend beyond the time when the fubject

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of *quo warranto* occurred. Be that as it would, the matter might easily be adjusted by a short separate bill, in the progress of which a fit limitation might be fixed; but at any rate, the case relative to *quo warrantos* had no immediate connection with the other part of the subject, viz. the province of a Jury on the trial of a libel.

Mr Fox. Mr. *Fox* rising, said, he could not, most assuredly, make the least hesitation in complying with the suggestion of the right honourable gentleman, who had in so fair and candid a manner stated what his own opinion was, and which seemed also to meet the general concurrence of the House. With regard to the ground that the honourable and learned gentleman had taken, by way of defending the conviction of John Luxford, Mr. Fox declared, he must differ from him completely. So far from thinking the libel a dangerous publication with a view to enflaming the minds of the people of France, there was no danger in it whatever, nor could any such inference as the right honourable and learned gentleman had drawn from it, be put upon it, either in reason or in law, and if it could, why was not such an inference averred in the information? No such averment appeared on the face of the record, and the only averment that did appear was that it was a libel on His Majesty's Ministers and nothing else. Inclined then, Mr. Fox said, as he should be, for the sake of practicability, to comply with the right honourable gentleman's suggestion of his giving up the motion for a Committee of Courts of Justice, he could not compromise the case of John Luxford for the sake of the two bills, or for the sake of any practicability whatever, however, desireable such practicability might be. In his former speech, Mr. Fox observed, that he had said, he had heard what from the silence of the other side of the House on that point, he now feared, was not true, viz. that John Luxford was pardoned that part of his sentence, the punishment of the pillory. As he was satisfied the sentence of Luxford was most inordinately severe, and more than he merited, when compared to the guilt of the libel, Mr. Fox declared, he must adopt some method of taking the sense of the House upon a motion for an address to His Majesty for his pardon; and he saw not how he could do that without going into the Committee of Courts of Justice, when, as far as his motion for an address to His Majesty for a remission of Luxford's punishment went, it would undoubtedly be an indirect censure on the Court that had passed so inadequate a sentence. It might possibly be said, that he ought to proceed in another way, and ground any motion that he thought proper, on the record; but let the House remember, that he had spoken from a paper which he held in his hand,

hand, and the honourable and learned gentleman from another paper which he had held in his hand; but Luxford's libel, and the record, were neither of them before the House; and till the House could get at the record, he could not proceed. If he could be told that Luxford either had been pardoned, or would be pardoned the pillory, he would say no more, but for the sake of practicability would consent to withdraw his motion for a Committee of Courts of Justice, and would barely move for leave to bring in the two bills that had been suggested. Mr. Fox concluded with asserting, that the principles he contended for were principles of justice, and the case of a person whom he conceived to the oppressed; he could not therefore compromise such a case for any consideration; at the same time, he begged the gentlemen on the other side of the House to be assured that he knew no more of John Luxford and the paper in which his libel appeared than they did. It was the precedent, and not the person, that he stood up for.

Mr. Pitt. Mr. Chancellor *Pitt* replied, that nothing could be more easy than for the right honourable gentleman to lay his ground for any motion that he wished to make in the case of Luxford, by moving for a copy of the record, and of the information, which his honourable and learned friend near him, could lay on the table. With regard to the punishment of the pillory having being pardoned, Mr. Pitt said, he had not the least recollection of that having been the case, or of any application having been made for it. He had in more than one instance, since he had been in his Majesty's Councils, dissuaded them against the too frequent use of the pillory, which, in his opinion, could not be too sparingly employed; and from what he saw of Luxford's case, he saw no reason to imagine, if application were made, that there would be any great difficulty in getting that part of the sentence remitted. At the same time he declared he differed entirely from the right honourable gentleman in his view of the magnitude of the libel; it was in his opinion exactly of the nature that had been stated by his right honourable and learned friend, and much more mischievous than any of those daily paragraphs, full of personal abuse of his Majesty's Ministers, which occurred so often, that they were not worth any other notice than contempt; since the best answer to statements of bad conduct in his Majesty's Ministers, was to refer the public to their real conduct; and therefore he trusted the good sense of his right honourable and learned friend would never dignify such trash, and mark it out as more important than it was in fact, by a public prosecution.

Mr. Fox. Mr. *Fox* again got up; he was so perfectly satisfied with what he had heard from the right honourable gentleman, that

that he should for the present withdraw his motion for the Committee of Courts of Justice, and wait till the latter end of next week, or perhaps the beginning of the week after, to see if any thing was done in Luxford's case, and if there should not be any thing done, he would then move for a copy of the information, and of the record, and likewise for an addres to His Majesty for mercy in a case, which had received a sentence inordinately disproportionate to the degree of criminality in the libel.

A few more words passed between Mr. Pitt and Mr. Fox on the subject of the libel, respecting which,

Mr. Fox.

Mr. *Fox* said, he was so confident of the false inference in the information, that had Luxford been in a capacity to have moved for an arrest of judgement, he would have defied any Court of Justice, that ever sat, to have refused him the arrest. Mr. Fox again reprobated the inuendoes and inferences of the information, and said, he would meet the Attorney General whenever he pleased upon the subject, and argue it with him; being confident that he could convince any man not destitute of reason and common sense, the words of the libel warranted no such inference as the information deduced from it.

Attorney General.

The *Attorney General* declared he was perfectly ready to meet the right honourable gentleman on the subject, and was persuaded that he either had not read the information, or that he had forgotten it; as it was most carefully drawn, and had been examined by others, and received their entire approbation. Mr. Attorney read the second count, to shew Mr. Fox that the proper inuendoes were inserted in it, and that the inference was legally deduced.

Mr. Fox made a short reply, and then moved, "for "leave to bring in a bill to remove all doubts respecting the "right and functions of juries in trials of criminal causes." He also moved for "leave to bring in a bill to explain and "amend the act of the ninth year of Queen Anne, chap. 20, "relative to *Quo Warrantos*." Both were agreed to unanimously.

The House adjourned.

Monday, 23d May.

Mr. Sheridan.

Mr. *Sheridan* rose to give notice, that he meant, tomorrow se'nnight, to bring forward some resolutions on the Report of the Committee of Finance. He informed the House that the manner in which he proposed to do this would be by moving for the House to resolve itself into a Committee of the whole House, to which he hoped the right honourable gentleman would have no objection; when he intended to move some resolutions of fact, the ground of which he had

no doubt he ſhould be able to make out to the ſatisfaction of the Houſe. Mr. Sheridan lamented that he could not name an earlier day for the buſineſs, but it was on account of other gentlemen, who wiſhed to be preſent, and could not be in town ſooner, that he was obliged to take ſo diſtant a day.

Mr. Pitt. Mr. Chancellor *Pitt* ſaid, he could have no objection to ſuch a diſcuſſion being brought forward, but he muſt hope that the honourable gentleman would name ſome day in the preſent week.

Mr. Baſtard. Mr. *Baſtard* was very glad to find that the honourable gentleman had ſignified his intention to bring the Report of the Committee of Finance under conſideration; but ſo far from thinking Tueſday next too diſtant a day, he ſaid, he was of opinion that it was too early a day, and that ſtill more time ought to be taken. In fact, a third Committee ought to be appointed, becauſe there were ſo many contradictions in the Reports of the two Committees, that it would be abſolutely neceſſary to appoint a third to examine both the Reports, and inform the Houſe on which of them they might rely.

The Speaker here interrupted Mr. Baſtard, obſerving that there was not any queſtion before the Houſe.

Mr. Baſtard replied that he ſhou'd move a queſtion before he ſat down. He then reſumed his argument, and ſaid it muſt evidently appear from the groſs contradictions in the two accounts, that either the Committee who drew up the Report of 1786, had given the Houſe a fabrication, containing an infinite number of errors, or that adminiſtration had ſince that period been guilty of the utmoſt profuſion and prodigality. The exceſs of the expenditure over that which the Committee of 1786 gave us reaſon to expect would be the amount of our expenditure in the year 1791, it was evident from the Report of the Committee of 1791, was no leſs than 500,000l. and upwards, and many new places had ſince been created. Mr. Baſtard read the ſum ſtated to have been paid off of the public debt, and compared it with additional debts incurred ſince; he alſo referred to various parts of the Report of 1791, to ſhew how inexplicable they were, as they ſtood at preſent. After much curſory detail of figures, he repeated that it was abſolutely neceſſary that a new Committee ſhould be appointed, and though, he ſaid, he ſhould not have made any ſuch motion unleſs he had been forced to it, yet, if any gentleman would ſecond him, he would conclude with moving,

"That a Committee be appointed to compare the Reports "from the Committees in 1786 and 1791 to enquire into

" the income and expenditure, and to report their observa-
" tions upon the same to the House."

Mr. *Sheridan* said, he certainly should second the honourable gentleman's motion. He declared he thought it was extremely proper that both the Reports of 1786 and 1791 should be referred to a third Committee, because it was undoubtedly true that there were a great many contradictions in both Reports, as stated by the honourable gentleman; and for that reason, they ought to be referred to a third Committee, in order to ascertain which of them was true. He despaired, Mr. Sheridan said, of being able to effect this, and therefore should have satisfied himself with barely moving, that the House resolve itself on Tuesday next into a Committee of the whole House, to take into consideration the Report of the Finance Committee of 1791; and after they should have resolved themselves into that Committee, he should move certain resolutions of fact respecting the Report. If the right honourable gentleman did not agree to the two Reports being referred to another select Committee, he hoped he would not object to the House going into a Committee, to take the last Report into consideration.

Mr. Sheridan.

Mr. *Pitt* observed, that the honourable gentleman who made the motion, seemed to be hardly serious in so doing, since he had confessed, he had only made a motion, that he might make a speech; and it could not reasonably be expected that the House would, on a sudden, so far discredit their Committee and reflect on their accuracy, as to refer their Report to another Committee, without having previously examined it themselves. Indeed, though the other honourable gentleman had taken a great deal of pains to appear to be serious in seconding the motion, he had hardly thought he had succeeded. He must still regret, Mr. Pitt said, that the honourable gentleman could not bring forward his motion on an earlier day than on Tuesday se'nnight. He had no objection to the House going into a Committee, to take the Report of the Finance Committee into consideration, but he wished the resolutions to be moved in a way so as to appear on the journals of the House. Nor had he any objection, he said, to the subject being discussed on Thursday or Friday next; one of which days he wished the honourable gentleman would name for his intended motion.

Mr. Pitt.

Mr. Speaker here put the question on Mr. Bastard's motion, which was negatived without a division.

Mr. *Sheridan*, in reply to Mr. Pitt, said, he certainly should be extremely glad to accommodate the right honourable gentleman, but it depended not on himself. With regard to the right honourable gentleman's remark on his manner of speaking, he really had wished to convince the right

Mr. Sheridan.

honourable gentleman, without any effort to appear so, that he was serious in wishing the two last Reports of the Finance Committees to be referred to another Committee. He was, he confessed, amazed to hear any complaint of delay from the other side of the House, and more especially to hear it come from the right honourable gentleman, as it must be recollected that he had repeatedly censured the right honourable gentleman for his regular procrastination of important public business till the end of every session He declared he had expected, that the last Report of the Finance Committee would have been brought forward long ago, since, before the Christmas holidays, the right honourable gentleman had taunted him on the ground of his supposing that he would not bring the motion or the appointment of a Committee of Finance forward immediately after the Christmas recess, but so far from doing this, the right honourable gentleman had not brought it forward for three months afterwards, and the Report of that Committee had only been on the table about a week or eight days; and it was not, surely, Mr Sheridan said, very much his fault, that he had not read the Report before it was received and printed. With regard to the day of taking it into consideration, he was, on his part, extremely desirous to have it considered some day in the present week, but one gentleman, who was on the Committee, was obliged to be out of town all this week; and he wished that gentleman to be present at the discussion, as he understood he was desirous of stating his opinion on the subject. Mr. Sheridan hoped, therefore, that there would be no objection to Monday next; and, if that day was agreed to he would write to the honourable Member in question, to request that he would attend. He concluded with observing, that Monday, for the reason he had stated, was the earliest day he could name.

Mr. Pitt. Mr. Chancellor *Pitt* regretted the absence of the gentleman alluded to by the honourable Member; but when he was told that an honourable gentleman who had been on the Committee, was out of town, and wished to be present at the discussion, he could not resist the proposed postponement; he could not however but lament the state of public business, as he was afraid all in which he took a part, would be ended before Monday.

The Speaker put the question on Mr. Sheridan's motion, "That the House resolve itself into a Committee of the "whole House on Monday next, to take into conside- "ration the Report of the Finance Committee." Ordered.

The Report of the Corn bill having been brought up, and the amendments of the Committee read,

Mr.

Mr. Alderman *Watson* (who had risen to move a clause, during the progress of the House through the amendments, and had been told by the Speaker, that it was not then the fit time) rose now, and in a short speech urged the propriety and use of erecting warehouses for the reception of such foreign corn as might be imported, the expence of which the Alderman proposed, should be defrayed by the importers. Having opened the ground of his intended clause, Mr. Watson moved, "that the House do, the next day, resolve itself into a Committee of the whole House, to consider "of a clause to be inserted in the bill for that purpose." The ports at which the Alderman proposed the establishment of the said warehouses, were enumerated by him.

Mr. Ald. Watson.

Lord *Sheffield* said, he would not trouble the House with a repetition of his former arguments against the warehousing of foreign corn, a measure which could not but be considered as having a direct tendency to discourage the growth of corn in this kingdom, by affording an opportunity to those who wished to take a fraudulent advantage of the measure, to create artificial rises, in order to be able to open their warehouses, and pour in their foreign corn, which they had imported free of duty. His Lordship declared he would take the sense of the House upon the motion of the worthy Alderman.

Lord Sheffield.

Mr. *Wilberforce* observed, that when the warehousing clause had been lately before the House, he had forborn to give any vote on it, feeling that he had hardly sufficient information to enable him to form a decisive judgement on the propriety of the measure; but the question was now before the Committee in a very different shape from that in which it had been before proposed; the expence of warehousing was then to have been borne by the Crown, it was now to be paid by the merchant; the importation price was then 48s. it was now raised to 50s. and even then there was to be a duty of 2s. 6d on bringing the corn out of the warehouse, and in case of Irish corn, of 5s. per quarter, in order to countervail the Irish bounty. He should now, therefore, certainly vote for the clause, admitting, that there was much reason in what was urged by the gentlemen on the other side of the House on the expediency of encouraging the farmers by a possible high price of corn; a certain degree of additional encouragement they would now enjoy, and for his part, he durst not push the principle to such an extent as was contended for. Pressed as the people of this country were by taxes, surely this was not the time for raising the price of the necessaries of life on any plan of speculative advantage, which, even allowing the principles to be just, must be called an experimental one. He protested against

Mr Wilberforce.

the

the consequences that might follow from adopting it, and hoped the House would feel too much for the labourers and manufacturers of this country to accede to the proposal.

Alderman Sir Watkin Lewes, Mr. Yorke, and Mr. Pitt, also spoke in support of the motion; the latter especially urged the necessity of our assuring the Americans, that they might safely send their corn to this country, which would prove a certain market to them, without clogging the importation with the inconvenience that had on a former occasion occurred, in consequence of the doubt whether it would be received here or not.

The question was at length put, when the House divided;

Ayes, 59; Noes, 48.

The Report of the Sierra Leone bill having been brought up, Mr. Heywood was (after a short conversation on the question whether he should be heard or not) called to the bar, and heard against the bill, as Counsel for the Liverpool merchants.

Mr. Gascoyne moved a clause, as soon as Mr. Heywood had finished, the object of which was to enact that the present right of British subjects to trade to that part of Africa, should not be affected by the operation of the bill.

Mr. Thornton, after a few words, moved two amendments to the proposed clause, both of which were agreed to.

A clause was introduced by Mr. Thornton to limit the duration of the Company's existence to thirty one years. Agreed to.

Mr. Hussey.

Mr. *Hussey* wished for a clause to make the private fortunes of the gentlemen, who were concerned in this undertaking, responsible for the whole of the losses, whatever they might be; or to oblige them to keep their accounts so as to be liable to parliamentary inspection, that the public might from time to time know how they went on.

Mr. Thornton

Mr. *Thornton* said, there was a clause, obliging the company to keep journals and accounts for public inspection.

The bill being gone through, was ordered to be engrossed, and read a third time on Thursday.

The House adjourned.

Tuesday, 24th May.

The order of the day being read, for the House going into a Committee on the bill for establishing and confirming an order or resolution of the Governor and Council of Bengal, &c. and a motion being made that the Speaker leave the chair,

Mr.

Mr. *Francis* said, that his objections to this bill were founded upon the defects of its principles; principles, which he considered himself as bound by his duty to oppose and reprobate. He had, with a view of drawing attention, formerly stated the novelty and importance of the measure proposed. He must still farther request attention to what he had now to state, though he knew how dull and tedious every discussion of Indian affairs appeared to the ears of the House, and the sense of the public; but this circumstance, while it could not render it less his duty to bring forward such discussion, increased the merit of their attention. What ought first, Mr. Francis said, to claim attention was the state of India. Lord Cornwallis quits his Government to go to a distant quarter, and take the conduct of a war. The extraordinary powers which were granted to him upon this occasion certainly indicated a most important crisis. The different ways in which news had been published by His Majesty's servants gave likewise some room for apprehension. Favourable news was published in a Gazette with the greatest care and ostentation: the most trifling acquisitions were pompously enumerated; but every information of a contrary tendency was diligently suppressed. This method had not always been adopted. A person whose name he should never recollect without admiration and reverence, had, during his administration, upon the first arrival of every intelligence, communicated it in a Gazette to the public. In this respect, however, succeeding Ministers seemed to have degenerated from so excellent an example.

Mr. Francis.

When Parliament, he said, in 1773, first interfered in the Government of India, they appointed the Council to consist of five persons, and placed in the majority the power of decision. If one died, the Governor General, merely that they might be enabled to decide, was allowed a casting vote. If he should at any time be absent, the casting vote belonged to the oldest Member. Four then were appointed expressly for the purpose of giving to the Governor always a casting vote. Nay, it was farther enacted, that even if three should dissent, he, upon his own authority, should be enabled to act without them. Still, however, amidst this enormous power, there remained some weight attached to the opinions of the Council, and a consequent check upon the conduct of the Governor. They had now, however, come to the last gradation; even this remaining check was removed. All power centered in the Governor to an extent, in which it ought never to be committed to one man. Lord Cornwallis was not bound to consult the Council. This indeed might not be easy. But he was not bound, while in the neighbourhood, to consult the presidency of Fort St. George,

George, who, if they were fit to govern, muſt likewiſe be ſuppoſed qualified to aſſiſt by their advice. All his acts paſt, preſent, and to come, were ſanctioned. It had been agreed, Mr. Francis ſaid, of which, indeed, he could not approve, that all engagements of the company's ſervants ſhould bind this country. Now, the country became bound by the engagements, whatever they might be, of one individual. Every thing was to be done by his ſole power and authority. Nor was this power limited; it was to extend to the end of the preſent war, which might yet continue four or five years; during which ſpace we were to look forward to the termination of our preſent civil Government in India. He doubted not the intentions of the preſent Governor General; he diſputed not his abilities; but the power which was granted to him he could not approve, even in the poſſeſſion of his deareſt friend. The preſidency dared not give orders, leſt they ſhould claſh with thoſe of Lord Cornwallis. In the mean time, no proviſion was made for the Government of Bengal, no precautions taken for its ſecurity. It was deprived of him, to whoſe counſels and protection alone it was taught to look for ſafety, and deprived of the advantages of a regular Government, and the ſecurity of the means of defence. This melancholy truth appeared as the reſult of the whole; that after all the acts of Parliament which had been made, ſuch was the ſituation of difficulty and embarraſſment into which we had fallen in India, that we were at laſt obliged to reſort to the grand remedy of abſolute power.

General Smith. General *Smith* did not more approve of granting ſuch extraordinary powers to any commander or Governor, than the honourable gentleman who ſpoke laſt; but while the honourable gentleman complained of the meaſure, he wiſhed that he had likewiſe pointed out any other remedy, which, in the preſent ſituation of India, could be adopted. The General here read an extract from a letter of Lord Macartney to Sir Eyre Coote, which contained, in his opinion, a caſe exactly ſimilar. He ſaid he wiſhed to act conſiſtently with himſelf; and concluded with juſtifying the meaſure from the neceſſity of the Eaſt India Company's affairs.

Mr. Fox. Mr. *Fox* ſaid, the ſituation muſt indeed be extreme, that required a remedy ſo deſperate. Of all reſources, the moſt deſperate, and the leaſt juſtified by experience, was abſolute power. He could not allow of the ſimilarity of the caſe of Lord Macartney's letter. The Nabob's country had then been aſſigned; it was now taken. Nothing could be more different than the conduct purſued in the two inſtances; and as much as he approved the one, he condemned and reprobated the other. He knew, indeed, that it was not poſ-

ſible,

sible, at this period, to take up the subject, in the magnitude it demanded. He should, therefore, now decline the task, reserving to himself to enter into a more complete discussion of it on some future and more suitable occasion. Mr. Fox said, he must own, that he could not help regarding the seizure of the territory of the Nabob of Arcot, as it had been denominated by an honourable Member, the most violent infraction of treaty that had ever been attempted.

General Smith.

General *Smith* rose to explain; he said, that he by no means intended to approve of the seizure of the Nabob of Arcot's territory. He meant only to state a general similarity between the case of Lord Macartney's letter and the present, in which, from the same necessity, measures nearly the same had been adopted.

Mr. Dundas.

Mr. *Dundas* said, that the candour of the right honourable gentleman who had promised to make the affairs of India the subject of future consideration, was entitled to the highest approbation. He had promised to bring forward the discussion fully and fairly, and not, as had already been attempted, by many collateral ways. When it should be so brought forward, he most certainly should be prepared to meet him. Any opinion, Mr. Dundas said, which could be formed from the papers at present on the table, must be very rash; and it was but fair, in order to determine with precision, to wait till they should be possessed of the proper means of information; and till those concerned should have been able to furnish the materials of their own justification. If there was any fault in the bill, he said, it was to be considered whether any gentleman would, by the side wind of a clause, wish to overturn the whole of the present system of Government in India. The bill was temporary, and for a temporary purpose. All the power which is granted was now existing in India, and acted upon. And the debate was, whether they should, by this bill, render the acts of Government legal, or leave them the subjects of doubt and cavil. The bill itself, Mr. Dundas said, afforded the strongest proof that the power granted was not legal, since, from this circumstance only, it was that a bill could be necessary to establish and confirm it.

Mr. Fox.

Mr. *Fox* in reply said, that the papers on the table were at present the only means afforded them of judging. The opinion which he had formed from these, might be wrong; but till some farther explanation should be given, he must remain in the same persuasion.

Mr. Francis declared his opinion, that the powers given were illegal and improper.

Maj. Scott.

Major *Scott* said, that there had taken place a clear breach of two treaties, in the case of the Nabob of Arcot, and the

Nabob of Travancore. It had been moved to have the papers printed, but the motion had been negatived. He had again moved that they should be printed, but had been told that his motion could not be admitted, unless he meant to bring forward a charge. For his own part, he had considered it as a sufficient ground for a motion, that a stronger act had been committed than any of those which had furnished subjects of accusation to the House.

The House then went into the Committee, Mr. Steele in the chair. Some conversation took place on the different clauses.

General Smith.

General *Smith* complained of the extreme hardship, that officers, who had been so long in this country, should not again be suffered to go out into India, and proposed a clause for repealing this act.

The Chairman stated, that as this clause was not immediately applicable to the subject of the bill, it would come forward with more propriety as a separate motion.

Mr. Hippesley

Mr. *Hippesley* said, the House must know, from the papers on the table, that on a former occasion, Lord Macartney and his Counsel had resolved to resist the extraordinary powers delegated by the Supreme Council to Sir Eyre Coote; that it was possible that the powers now delegated to Lord Cornwallis might also be opposed, as their illegality would necessarily be as obvious to the understanding of those in India, as it was to this House. The bill itself afforded a proof, as the right honourable gentleman who introduced it (Mr. Dundas) had confessed, that the powers granted to Lord Cornwallis had been illegal; it was therefore necessary, by establishing and confirming them retrospectively, to shelter the noble Earl in the exercise of those illegal powers. An equal tenderness and consideration should, in common justice, be manifested by the bill towards the situation of General Medows, or any other person who might have thought it their duty to have resisted the authoritative exercise of powers, which, in their judgement also, appeared to have been illegally delegated, and without a clause of indemnity, would be left in a very serious predicament, from having acquitted what they might consider as an act of duty The case having so nearly occurred in the instance of a former Government, might sufficiently justify the apprehension of its occurring in the present. Mr. Hippesley therefore would move, that the following clause might stand part of the bill:

" That nothing in this bill shall extend to affect any per-
" son or persons, who may have resisted the authority of
" the Governor General, (acting under the delegation of
" powers from the Supreme Council) by subjecting such
" person or persons to pains or penalties, which they might

"have incurred, had the authority originally delegated been "legal."

Mr. *Dundas* thought it was not proper to anticipate any resistance on the part of General Medows, to the authority delegated to Lord Cornwallis, and therefore the clause was improper.

Mr. Dundas.

Mr. *Hippesley* contended for its propriety, as an act of impartial justice and consideration to General Medows's delicate situation especially, whose personal responsibility rendered it a duty in him to oppose the exercise of illegal authority, within his Government, however zealous, as doubtless he would be, in his co-operation with Lord Cornwallis's general plans for the conduct of the war.

Mr. Hippesley.

Mr. Fox supported the clause moved by Mr. Hippesley; the clause was lost, and the bill ordered to be reported tomorrow.

The Speaker having resumed the chair,

Mr. *Hippesley* observed, that what had fallen from an honourable General, in stating the difficulties under which the Company's officers laboured, in a particular instance, would, he flattered himself, be a sufficient apology for his trespassing shortly on the patience of the House, and offering to their consideration an hardship of the greatest magnitude, and the more severe, as they were allotted to bear it at the same instant that the King's military forces in the same garrisons, or on the same duty, were exempted from it. That it must be in the recollection of many Members of the House, and of every one who had read the history of the last war, that the Company's military were suffering under an arrear of 15, 18, and even 20 months, when His Majesty's troops were paid up regularly two months in advance. That this was not the only severity attached to their contrasted situation; the King's troops were paid in gold, purchased at a premium, and consequently at a loss to the Company, whilst the Company's troops are paid their pittance in a debased currency, on which almost an immediate loss was often felt of ten or fifteen per cent. The consequence of these heavy arrears appeared in several mutinies among the sepoys, which, indeed, were soon checked, by the meritorious and exemplary conduct of their officers; but which still had left a very serious impression, and might not be always equally successful in suppressing the alarming consequences of dissentions so justifiably founded. Mr. Hippesley here observed, that General Medows had himself acknowledged, that a heavy arrear was accruing, more than twelve months since; that he could not, therefore, but anticipate alarming consequences, if such odious distinctions still were to obtain between the King's and Company's military,

Mr. Hippesley

tary, whose merits and services were equal. He therefore begged to read the following resolution, which he would leave on the table, in the hope that the executive Power would follow it up with the best and speediest means of remedying the evil:

"That the payments to His Majesty's troops, serving in "India, and those of the East-India Company, ought to be "kept as equal as possible, and that no distinction should "be made in the denomination of currency in which such "payments are issued to the military, serving in the same "garrisons or districts.

"That it is the duty of those entrusted with the direction "or control of the affairs of the East-India Company, to send "out such orders to their Governments, as may most effectually secure the observance of a regulation so necessary to "preserve harmony in the service."

M. Pitt. Mr. Chancellor *Pitt* said, that before the motion was taken into consideration, the facts on which it was founded must be established.

Mr. Hippesley. Mr. *Hippesley* said, he pledged himself to prove the facts to the satisfaction of the House, by incontrovertible documents; and should, if he now withdrew his motion, press for another day to bring it forward with his proofs. This he owed to the service, with which he had for many years the honour to be connected.

At the instance of Mr. Chancellor Pitt, the motion was withdrawn.

The order of the day being read for resolving into a Committee on the India papers,

Mr. Benfield. Mr. *Benfield* said, that as some of the most material papers had been printed but the day before, although he had given all possible attention to them since, he had not been able to make himself fully master of them. He, therefore, wished the Committee to be postponed, till gentlemen had had time to peruse the papers.

Mr. Dundas. Mr. *Dundas* replied that he had repeatedly put off the Committee, at the request of several gentlemen; and were he to put it off again, he did not know what day he could name for it. The papers in question had arrived but lately, and contained nothing that might not be understood in a few hours.

The House then resolved itself into the Committee.

Mr. Dundas said, he was now enabled to state the finances of India, from more perfect and more regular accounts than he had been provided with on any former occasion. Formerly he had been obliged to make out rather an estimate than an account, from a number of detached accounts from the several presidencies. He was now furnished with accounts

accounts from each, of the receipt and expenditure for three years, with comparative accounts of the estimated and actual receipt and expenditure for 1789-90, and estimates of the probable receipt and expenditure from April 30, 1790, to May 1st, 1791. Such accounts he had always recommended to the several presidencies; and after much correspondence on the subject he had it last obtained them. They were made up at the latest date possible, so late indeed, that the accounts from Bombay had been received only by the last ship.

Mr. Dundas now proceeded to state the accounts, as follows.

ABSTRACT of INDIAN BUDGET ACCOUNTS, 1791.

	Current Rupees, at 2s.	L. Sterling.
The surplus stated last year for 1788 9 -		1,709,389
By the statement of this year for 1789 90 -		1,409,079
Difference 300,310l.		
BENGAL.		
Revenues were estimated for 1789 90 at -	5,60,93,971	5,609,397
Actual collections - -	5,62,06,562	5,620,656
Revenues more than estimated by	1,12,591	11,259
Charges for 1789-90 estimated at	3,16,26,270	3,162,627
Actual amount - -	3,12,01,486	3,120,149
Charges less than estimated -	4,24,784	42,478
Excess of revenues - -	1,12,591	11,259
Actual result better than estimated	5,37,375	53,737
Revenues for 1790 91 estimated at -	5,22,39,427	5,223,942
Charges for ditto ditto - -	3,18,32,217	3,183,221
Surplus -	2,04,07,210	2,040,721
Which is less by 459,786l. than the actual surplus of 1789 90, which amounted to - -	2,50,05,076	2,500,507
Revenues of 1787 8 were -	5,20,28,527	5,202,852
1788 9 - -	5,53,88,1 4	5,538,811
1789 90 - -	5,62,06,562	5,620,656
Average of those three years -	5,45,41,067	5 454,106

MADRAS.

MADRAS.

	Pagodas at 8s.	L. Sterling.
Grofs revenues on an average of the years 1787 8, and 1789-90 - -	31,63,394	1,265,337
The eftimate for 1789 90 was not received in time, but it was afterwards, and the revenues were eftimated to amount to	34,90,360	1,396,144
They actually amounted to - -	31,39,519	1,255,807
Deficiency -	3,60,841	140,337
Charges 1789-90 eftimated to amount to	37,71,360	1,508,544
Actual amount - -	43,47,537	1,73 ,014
The difference is	5,76,177	230,470
Which added to deficiency of receipts as above, the *actual* account appears worfe than the *eftimated* one, by -	9,37,018	370,807
Revenues for 1790-91 eftimated to amount to	44,15,941	1,766,376
And charges eftimated at -	63,71,4 8	2,548,575
	19,55,497	782,199

BOMBAY.

	Rupees.	L. Sterling.
Average revenues of three years, 1787-8 to 1789-90 - -	13,08,314	151,764
Revenues eftimated to amount in 1789-90 to	11,91,627	138,218
Actual amount - -	14,42,405	167,319
Revenues more than eftimated -	2,50,778	29,091
The charges were eftimated at -	49,02,676	568,710
The actual fum incurred was -	48,02,685	557,110
Charges lefs than eftimated -	99,991	11,600
Adding excefs of revenue to deficiency of charges, the actual refult appears better than was eftimated by - -	3,50,769	40,691
The revenues for the year 1790-91 are eftimated at - -	22,96,316	266,373
And the charges to amount to -	67,96,753	788,424
Excefs of charges - -	45,00,437	522,051

BENCOOLEN and PINANG.

	Dollars at 5s.	L. Sterling.
Bencoolen revenues on an average of three years, 1786-7 to 1788-9 -	13,044	3,261
	Cur Rupees.	
The expences of Bencoolen and Pinang were estimated last year to amount to -	6,50,000	65,000
The supplies from Bengal, in the year 1789 90, amounted to - -	4,39,442	43,944
Less than estimated - -	2,10,558	21,056
These expences for 1790-91, are estimated to amount to - -	5,00,000	50,000

GENERAL VIEW.

Actual Revenues of 1789-90.

Bengal, current rupees -	5,62,06,561	£.5,620 656	
Madras, pagodas -	31,39,519	1,255,808	
Bombay, rupees -	14,42,405	167,319	
Total revenues - -			£.7,043,783

Actual Charges of 1789-90.

Bengal, current rupees -	3,12,01,486	£ 3,120,149	
Madras, pagodas -	43,47,537	1,739,015	
Bombay, rupees -	48,02,685	557,110	
			5,416,274
			1,627,509
Expences of Bencoolen and Pinang -			43,944
Net Revenues - -			1,587,765
Add,			
The amount of import sales and of certificates -			263,940
The total is -			1,847,505
Deduct what paid for interest on the debt, as stated in last year's account - - -			438,426
Applicable to the purchase of investments, the payment of commercial charges, &c. - -			1,409,079

DEBTS.

DEBTS.

	Current Rupees, at 2s.	L Sterling.
The debts in India on April 30, 1789, as per last year's statement -	6,68,02,840	6,680,284
Ditto on the 30th of April, 1790 -	7,05,66,521	7,056,652
Increase of debts -	37,63,686	376,368
Amount of debts bearing interest, stated last year - - -	5,26,06,727	5,260,672
Ditto by this year's statement -	5,40,69,357	5,406,935
Increase of debt bearing interest -	14,62,630	146,263
Interest payable in India on the debt stated last year - -	43,84,263	438,462
Ditto on the debt in this year's statement	44,71,066	447,106
Increase of interest -	86,803	8,680
To the increase of debts in India, as above stated - -	37,63,686	376,368
Add,		
The amount subscribed to the remittance plan in the year 1789 90 -	39,91,339	399,133
The sum is the total increase of debt in India, which appears to have been made in the year 1789 90 - -	77,55,025	775,502

ACCOUNT of the Appropriation of the Surplus Revenues of India, and of the Increase of Debts there in 1789 90.

Net revenues, as before stated - -	£ 1,583,565
Received from the sale of imports and certificates	263,940
	1,847,505
Interest payable on the debts stated last year -	438,426
Net surplus -	1,409,079

SUPPLIES

SUPPLIES to Europe and China, from the Resources of India, viz.

Prime cost of cargoes shipped for Europe, - C. R.	11,01,56,157	£.1,015,615	
Supplies to China from Bengal	21,11,009	211,101	
Commercial charges at the several Presidencies, not included in the invoice	10,34,190	103,419	
			1,330,135
		Remains -	78,944
Add the amount by which the debts in India appear to have been increased in the year - -			775,502
Increase of debt and remaining surplus to be explained			£.854,446

	Cur. R.	£.
The balance of cash and bills receivable at Bengal, Madras, Bombay, and Bencoolen, on 30th of April, 1790, as per quick stocks	1,38,94,840	1,389,484
Ditto ditto on 30th April, 1789, as per last year's accounts - -	1,18,24,800	1,182,480
Increase of cash appropriated -		207,004
The amount advanced for the provision of investment at Bengal - -	1,07,54,912	
Do. at Madras, Ps. 3,10,480, or	13,19,540	
Do at Bombay, Rs. 9,59,532	11,13,057	
Do. at Bencoolen -	1,11,043	
Total advanced -	1,32,98,552	
The value of cargoes shipped from those Presidencies in the year - -	1,01,56,157	
Advanced for the purchase of goods, more than shipped for Europe in the year -	31,42,395	314,239
Increase of cash, and sums advanced for the provision of investment - -	-	521,243
The following sums have also been charged against the Company, which form no		

part of the actual expences of the year:			
Increaſe of debts owing to the Nabob of Arcot and Rajah of Tanjore's private creditors, not received by the Company, pags 3,96,766	16,86,225		
And a ſum was to be paid to the Nizam, on giving up the Guntoor Circar, in September 1788, which, with the perhcuſh to 30th April, 1789, amounted to pagodas 3,63,013, not included in laſt year's account -	15,42,805		
Theſe account for an increaſe of debt to the amount of	32,29,030	322,903	844,146
			10,300

The accounts, No. 27, 28, and 34, ſhew alſo ſome other articles of receipt and expenditure, under the heads of Profit and Loſs, &c. which, as they nearly balance each other, are omitted. About a lack of pagodas appear to have been received at Madras for bills on the Court, which is nearly the increaſed value of ſtores there, as per No. 36.

Mr. Dundas having finiſhed his calculations, obſerved, that he had on former occaſions entered into ſome conſiderations how far the general ſtate of affairs of the Eaſt India Company was likely to be permanent. The Committee would certainly not expect from him, that he ſhould enter into any diſcuſſion of that kind at preſent; becauſe, to give an account of what was likely to be the future proſpect of India, during a depending war, would be an attempt very idle and very uſeleſs, and not at all calculated to afford any information to the Committee. He ſhould, he ſaid, have wiſhed to have remained totally ſilent till peace had been reſtored to India, when he might have been able to have judged of the importance of India, as connected with the political ſtate, the trade, and commercial affairs of this kingdom; but if he were to be totally ſilent, it might be inferred that he acquieſced in many things which he had heard, in many things which he had ſeen, and in many things which he had read, within ſome weeks paſt. They had been told, the burdens were ſo heavy and grievous, that they were not to be ſupported by all the reſources of India; that they were threatned

threatened with inftant ruin; and in order that thefe delufions might have their full colouring, it had been afferted that all thofe heavy burdens might probably very foon come on the revenues of this country, for that it was impoffible that the revenues of India could fuftain them. There certainly had been, Mr. Dundas obferved, no want of colouring to heighten that bufinefs. Some gentlemen had caculated the expence of the war in India at the rate of three millions, others at four, others at fix mi[illegible] nay, he had heard it ftated at twelve millions [illegible] accounts [illegible] their amounts, exactly [illegible] the vivacity of the feveral gentlemen who c[illegible] to give the ftatement. He however was not, he de[illegible]d, abfurd enough to enter into a conteft with any of these calculators. There muft be fome *data* on which to proceed, fome accounts from wh[illegible] calculations were drawn; but they had neither one nor the other before them; he had heard fpeculations on numbers of millions upon millions, without a fingle account having been laid upon the table. He had, Mr. Dundas faid, ftated a variety of calculations, but hitherto no accounts had been moved for, mentioned, or laid before the Houfe, from which fuch a ftatement could poffibly have been afcertained. There was, he knew, one eftimate before the Houfe, upon which fome account might be taken. He guarded againft being among the number of thofe who wifhed for war in India, or who expreffed their hopes of the fuccefs of the war. God only knew, his wifh and prayer had always been for peace. Peace had been his prayer, even at the time when he heard of the victories on the Malabar coaft.

When fome had chofen to affert, that the Indian war had originated in this country, it was fome confolation to him to reflect, that, from the moment he had heard of a war in India, no means had been neglected in this country to fupply that country with force fufficient to enable Government to bring it to a fpeedy and honourable iffue. He had endeavoured, Mr. Dundas faid, to afford ample means to bring the war to a fhort and honourable conclufion; but to have wifhed for the commencement of the war, as had been afferted, would have been to have entertained a wifh adverfe to every view he could have in life, to every wifh and view that could exift in his mind, or in that of the Governor General. There was no evidence whatever of fuch being the cafe, becaufe it was impoffible there fhould be evidence of a fact that never exifted. He faid, that at the fame time that he defended himfelf againft the affertion that he was the author of the Indian war, he begged leave to remind the Committee, that the very firft time it was made the fubject of debate in that Houfe, he had defired not to be confidered as

giving any opinion at all with regard to the event. All wars were in their nature uncertain, and liable to a variety of contingencies that were incapable of calculation, and therefore with regard to the success of the war, he had wished to say nothing. It was, he hoped, unnecessary to consider the Indian war in that gloomy point of view in which it had been represented, as if it would drain the finances of India. When that question was brought forward, he should, he declared, take his share in the discussion of it; but, if they wished to form any thing like a judgement as to the expences of the war, there was, he said, only one paper on the table that deserved the name of a probable receipt and disbursement for 1791. The amount of Mr. Dundas's calculation on this paper was, that whatever the investment cost above 552,826l. was likely to be the expence of the war. But he begged it by no means to be supposed that he declared this expressly and positively to be the real amount.

With regard to the Indian estimates in general, he would, Mr. Dundas said, take upon him to affirm that from the manner in which he took credit for them, he was perfectly warranted to ask it, and to expect it, particularly for Bengal. They had ever been so cautious in making their estimates, that the actual revenue had always been more than the estimated revenue, and the real charges less than the estimated charges. Another thing, very material to be taken into the account, was, the time when these estimates were made up. Those of Bengal were not made up earlier than the first of August last, and those of Madras not later than September; men did not sit down in their closets, and make these calculations in addition to the uncertain expence of the war. But these calculations were formed at a time when they had experience with regard to the war to guide them; they must therefore have had in view the settlement for the remaining months of the year. This was, Mr. Dundas said, still farther confirmed by this circumstance, namely, that in Bombay eight months of the currency of the year had gone, 450,000l. was spent, and for the remaining four months there were 250,000l. There were, he confessed, two charges, no estimate of the expences of which was given; the one was for General Medows's army three months, when they passed into the Mysore country, not in the month of October, as expected but in the month of January, during which period no provision was made for the army: secondly, no account was taken of the regiments, which Lord Cornwallis meant to carry with him from Bengal to Madras. He hoped he had complied with the wishes of a right honourable gentleman, in laying, as far as he could, the expences of the war before the House. Mr. Dundas begged he might not be misunder-

misunderstood; he relied not on the estimate on the table, nor did he give any plan of his own, but he thought he was perfectly warranted to say, that those who romantically calculated the expence of the present war in India at three, four, six, or twelve millions, could do it for no other purpose than merely to alarm the country, as matters then stood. Without more papers and better information to guide their judgements, they must all allow that they were speaking perfectly at random on the subject. He owned, that he had great reason to lament the expence of the war, but he could not agree with those who thought that the present war, under any probable issue, was a subject that ought to create in their minds that gloom and alarm which it seemed to have spread among some gentlemen. In 1783, when it was commonly supposed that the East India Company owed four millions, the right honourable gentleman opposite to him (Mr. Fox) who certainly had not wished to set the affairs of the Company in the best light, declared he believed their debt was above ten millions. Before 1785, Mr. Dundas said, it was in fact above ten millions. Therefore, if they compared the state of the Company's affairs at that period, when every man was afraid to approach it, although it had happily been encountered, and looked at this, they would perceive no reason for desponding with regard to India. He was sure he did not envy his right honourable friend, nor was he desirous of undervaluing the resources of this country, but he was of opinion that the day was much nearer when the resources of India would furnish assistance to this country, than when this country would be obliged to lend her aid and support to India. With this declaration Mr. Dundas concluded, and said he should not trouble the Committee at greater length on the subject, but would move, "That it is the opinion of this Committee that the "average revenue of three years of Bengal, Bahar and Orixa "amounts to 5 crore 45 lacks and 4,067 current ru-"pees."

Mr. Fox.

Mr. *Fox* rose as soon as Mr. Dundas sat down, and said, he did not mean, at so late an hour, to trespass long upon the Committee, but he thought himself particularly called upon to say something in reply to what had been said in some parts of the speech which they had heard from the right honourable gentleman who had just sat down. And one striking point in it, and a most material one he considered it to be, was, that towards the conclusion, where the right honourable gentleman states that the day was near at hand when India might be expected to be in that flourishing state, that in place of calling upon England for aid, India would be enabled to afford assistance to England. This was an opinion, Mr.

Fox

Fox said, that, were it well founded, must give the greatest satisfaction to the country; he owned, however, that it did not appear to him to be well founded, upon any one ground of statement or argument, that he had yet heard or been able to recollect. He must likewise say, that it had not the greater weight with him, when he heard the assertion come after a most guarded and evasive declaration, that with regard to the papers on the table, as far as they respected the expences of the war in India, the Committee were not to consider themselves as possessed of the r[illegible] honourable gentleman's own opinion upon that [illegible], or the probable result of it. A great part of [illegible] honourable gentleman's speech, Mr. Fox said, had be[illegible] employed to exculpate himself from the charge of being the author of the war in India. For his part he thought it mattered not so much who was the author of it, as what were likely to be the consequences of it; and upon that point, he believed, there could be but one opinion in the country, and that was entirely against any war of the kind, which could be attended with n[illegible] good effect; was a certain expence and calamity both at home and in India; and had not for its object any thing that could justify the policy, justice, or expediency of it. He never had said that the right honourable gentleman was the author of it; for he had no pretensions to say so, when he took such pains to disclaim it; nor had he ever given his opinion on the amount of the expences which might be incurred by that war.

As to the estimates now presented, Mr. Fox said, the right honourable gentleman had taken great pains to convince the Committee that no opinion could be formed of the expence by the estimate on the table; and at the same time, in a very curious manner, argued as if he wished them to believe that they might depend that the expences hitherto incurred did not exceed that estimate; and when he said, that it would be rash, foolish, and mad in him, or any one, to establish opinions upon the probable expences from that estimate, though he insinuated that it contained all that had been advanced in consequence of the war up to the latest period of information, he believed the fact to be quite otherwise, and that the expences already far exceeded the estimate; a matter that, perhaps, with more propriety might be afterwards discussed. He believed that the expence would certainly amount to five or six millions at least. From all that could be made out, Mr. Fox said, from what official information they had received, from common news, and from the latest letters from Madras, it was generally believed that it would be much greater, and the event very uncertain. The right honourable gentleman had alluded to his opinions, upon a

former

former occasion, respecting the amount of the debt in India, arising from the arrears, and other charges, after the last war in that country, and had stated that these arrears had far exceeded even what his (Mr. Fox's) own opinion had reckoned them at, and that the total debt amounted to more than ten millions. Now with this before their eyes, would any person be bold enough to say, that arrears and debt would not be increased after this war, even when it was concluded, in the same manner as they did before? If they could say so, he would be glad to know upon what supposition their opinions were founded. In short, if this estimate, when all the authority which the right honourable gentleman could give it, was added to it it seemed by his own account to be worth nothing, as a guidance to the Committee, or from which they could form any guess of the probable expence.

The right honourable gentleman had stated, Mr. Fox said, that he could not answer for the success of the war; to be sure he could not; but if much reliance was to be had on the argument which he had used throughout the whole of the discussion on this Indian war, certainly the Committee had reason to expect that success would be the result of it; and if they thought this was the right honourable gentleman's real sentiments, they no doubt would entertain sanguine hopes that his opinion was well grounded. Much stress had been laid upon the manner in which the events that had already happened in India, were represented in this country; and it had been said, that both in their nature and consequences they had been much exaggerated. But if this was the case, Mr. Fox said, he would ask, what steps Ministers had taken to convince the public that the facts were otherwise, than common report stated them to be? Or rather, by their total suppression of all official communication, and their silence with regard to the dispatches they had received, might it not be inferred, that their own opinions of the information was worse than the statement which the public had, could lead them to form; when it seemed they dared not publish the accounts which they had received? He was warranted, he said, to say this, when he called the attention of the Committee to the only communication that the public had received, and that without knowing by what authority it was given; a letter sent to the newspapers, giving an account, to be sure, of very gallant conduct both in our officers and men, but little satisfaction as to the progress or state of the war; and, at any rate, considering the manner in which some newspapers were conducted, the public had a right to some more authentic mode of information, and might at least have expected a Gazette upon this subject.

Mr. Fox again stated, that he had not, nor could he, give a direct opinion, neither, he believed, could any body, of what might be the probable expence of the war; but he could give an opinion as to the impropriety, and the injustice of the object of it, which he understood to be that of extirpating Tippoo Sultan. He, however, trusted that we would, by some kind of peace or other, by not accomplishing that object, save from disgrace and infamy the British character in India. He could not prophecy more than the right honourable gentleman; but did believe that we would be mistaken in all our hopes of success, mistaken in all our designs and pursuits against Tippoo, and finally mistaken in our attempts to drive him from the Mysore country; events, that had already happened, justified these assertions, and we were daily hearing something or other which tended to corroborate those suppositions. Mr. Fox paid many compliments to the British army now in India, and was convinced of their exertions. They possessed, he said, military ardour, great professional skill, and conspicuous gallantry. Highly, however, as he rated the British force, we found that we had no reason to think contemptuously of our adversary; every fresh instance only tended to confirm us in a contrary opinion. He would therefore insist, that the best news that this country could receive from India would be, that peace was concluded; and when he said this, he should be asked, what kind of peace would you wish? To this he would answer, any kind of peace, without addition of territory, that could be obtained, and was not dishonourable to the country. Going to war for the acquisition or extension of territory, he would always reprobate as impolitic and unjust. If you persist in the war, said Mr. Fox, or, he might say, even get immediate peace, what will be the consequence of the war you have engaged in? why the certainty of having your military force in India weakened and diminished; your revenues, both there and at home, drained and exhausted; and your name and character, as a great nation, disgraced and lowered in the opinion of the world at large. As to the authors of the war, continued Mr. Fox, whatever disgrace they might meet with, it was not his business to point them out; nor could he say whether it originated with the government in India, or the Board of Controul. He believed, however, the general opinion in this country was, that it was commenced in consequence of orders from home. In defending himself from any blame on this point, the right honourable gentleman had said, who could suppose that he, or those he acted with, could wish for a war? But what was this sort of argument, Mr. Fox observed, but the old exculpation of every Minister, and his general defence,

when

when his conduct was called in question. With him he said, it had no weight, and never could, except that he could admit a circumstance, merely impossible, that it was the peculiar interest of a Minister to plunge his country in a calamitous war, that species of defence might be brought forward on all occasions.

They could not ascribe blame to Earl Cornwallis, continued Mr. Fox, for the war is contrary to every opinion that we know from him. We likewise know now, that the purchase of the fortresses of Jaycottah and Cranganore, from the Dutch, by the Rajah of Travancore, which was once the ostensible, is not the real cause of the war; and it is equally contrary to all the orders that we know were sent from the Board of Controul. But whatever future enquiry might bring out on that subject, let us owe it to whomsoever we may, the calamity is irreparable in some degree, inasmuch as our finances are wasted, and our reputation lost.

Mr. Fox came next to the general state of our finances in India, and the flourishing condition of it, which had been expatiated upon; he was extremely glad to hear it was so, and would be more so, when he saw and knew it to be, as described that night; but he must own, that what occurred the other day, when the finance report of 1786, and that of 1791, were under their consideration, staggered his faith a good deal with regard to all reports of that nature; and he cautioned the Committee not to be too sanguine in their hopes or expectations. Let them consider, that the India debt now amounts to sixteen millions sterling, to which we have to add the eight hundred thousand in the estimate upon the table, and then say, whether, in the present appearance of circumstances, there were strong grounds for sanguine prospects. Notwithstanding all he said against the measures which seemed to prevail in the system of government in India—notwithstanding the injustice, the impolicy, and disrepute of the war now carrying on in India—notwithstanding the impoverishing, calamitous, and disgraceful consequences that must attend the continuance of it—notwithstanding the certainty of the expence, and the improbability of advantage accruing to this country from it, still Mr. Fox said, he would close with the right honourable gentleman, if he could make good what he had concluded his speech with; and be happy to make a bargain with him, if it could be properly guaranteed, by giving all the advantage and assistance which the most sanguine friends to the East-India Company could expect it would be productive to this country, provided it were well guaranteed, that the East-India Company would never again require farther assistance from this country.

Mr. Dundas.

Mr. *Dundas*, in reply to Mr. Fox, said, he had either been misunderstood, or misconstruction had been put upon his words, when lately up. He never meant that the Committee should form any opinion, or guess at the probable expences of the war from the estimate before them. He had only stated, that as far as it went, it included the expences that had been actually incurred up to the latest period of their advices, and might serve to shew, that the surmises which had been made in this country on that point, were fallacious. He therefore requested, he said, the attention of the Committee to the explanation of his own words. It had certainly been stated, that the expence of the army amounted to six lacks of pagodas a month; but gentlemen seemed not to be aware that all this was not an increased or extraordinary expence, but included the ordinary military establishment, as well as any increase that the present emergency required. With regard to the bargain offered by the right honourable gentleman, when the proper time came for discussing that point, he believed he might safely make it, and guarantee it without much risque.

As to the authors of the war, he begged leave to say a few words on that point. When he had formerly mentioned the conduct of Lord Cornwallis as highly meritorious, which he still must consider it to be, he then wished to disclaim any share of that merit to himself; but for all this, he by no means wished to shift blame, if there was any, from himself, and place it on the shoulders of Lord Cornwallis. On the contrary, he would declare that he approved of all that he had done, and should any blame be the consequence, he was equally entitled to his share of it. He never had said much of sanguine hopes of success, and rather thought he might retort upon the right honourable gentleman, who, in one short sentence, had expressed his opinions in a much more sanguine way than he had done. There was another point on which, Mr. Dundas said, he would say a few words; and that was relative to the concealment of dispatches; these dispatches did not come to any secret Committee of Directors, nor was it ever meant to conceal the contents of them; on the contrary, the public were in possession of all they contained eight days before the Company, or any person in office, knew any thing about them. And this, he was free to say, was entirely owing to an accident; One box had been left in the ship, and it was afterwards found, upon an express being sent down for it, that it contained all the dispatches which were intended for the Company, the Secretary of State's Office, the War Office, the Board of Controul, and for himself individually; and the public being in possession of all the information so long before, by means of

 Colonel

Colonel Floyd's letter, it was needless to make any Gazette on the subject. However, as this had occasioned discussion in another place, and it had happened, that on the very day of that discussion, more news arrived, it was immediately printed in a Gazette; and this seeming to be approved of, in future he would take care to give them Gazettes whenever any thing, either good or bad, came to his hands. Having thus said, he thought, enough on Gazettes, he would add nothing more on the charge of concealment. There were however, many other observations, he said, in the speech of the right honourable gentleman which he could easily have answered, but at that late hour, he would content himself with what he had said.

Mr. Fox

Mr. *Fox* in reply said, that he always allowed, as was well known to the House, every gentleman to explain his own words in any way he thought proper. He replied to what Mr. Dundas said about his hopes of success; and thought, notwithstanding the accident, when the dispatches arrived, a Gazette should have been printed, that the public might have had some more authentic account than a newspaper.

Mr. Hippesley.

Mr. *Hippesley* expressed his satisfaction at what had dropped from the right honourable gentleman (Mr. Dundas), who had said he hoped there was at this instant peace in India. Peace was so desirable an object, that he could wish most sincerely to see it established, even on the principle of *statu quo*, taking our compensation for expences in money, rather than territory, which probably would insure the most permanent tranquillity, and certainly coalesce more with the spirit of the subsisting statutes for the government of India. It might appear necessary for him, as the original mover of the inquiry into the causes of the war, to say something on the present occasion; but at so late an hour he should confine himself to a very few words. On a former day, when he had adduced certain extracts from the Company's records, in support of his own opinions of the impolicy of the war, the right honourable gentleman had thought it sufficient to consider them as referring to an antiquated date, and not applicable to a more recent period. Mr. Hippesley had since recurred to the records of the Company, and found them uniform in their principles of policy, with respect to the danger of offensive alliances with the Mahrattas, and the destruction of the only natural barrier (the Mysore power) which presented itself against them. In these principles of sound policy, the Governments of Bengal, Madras, and Bombay, had uniformly concurred. These were the sentiments also of distinguished individuals, of Mr. Hastings, of Sir Eyre Coote, of Lord Macartney, and many others of great ability and local knowledge, given too in the very hour

of

of contention with Hyder Ally, as the Report of the Secret Committee would shew. Mr. Hippesley said, he could soon cover the table with extracts in point, to the latest period, all to the same effect. But he would content himself with reading one of the many in his hand, which was an Extract of the Minute of Lord Macartney and Council, which gave birth to the negociation that ended in the last peace of Mangalore, dated December 1783, at Fort St. George. "We "are convinced that there can be no sincere or permanent "peace with Tippoo, if Mangalore be not restored to them. "It were to be wished he were humbled, but we ought not "to see him crushed: a barrier is necessary against the over-"grown, and still over-growing, power of the Mahratta "State, which threatens to cover all Indostan." Mr. Hippesley observed, that this opinion was exactly similar to the recorded principles of every antecedent Government of India, and sufficiently justified the sentiments he had entertained on the subject, and had delivered in the House. He had now only to wish that a speedy and honourable termination of our difficulties might be brought about, on a basis which might best secure the British interests in India.

Mr. Hussey did not comprehend the answer.

Mr. Dundas again explained.

Mr. Hussey wanted further explanation.

Mr. Benfield

Mr. *Benfield* said, the right honourable gentleman had not given a proper answer to Mr. Hussey, which he could shew, as well as many other errors, by going into the papers at large; but it would be impossible for him to enter into so wide a field of detail at that late hour; he hoped, therefore, that there would be no objection to his moving, "that the "Chairman report progress, and ask leave to sit again;" he made a motion accordingly.

Mr. Dundas.

Mr. *Dundas* replied, he should most certainly oppose that motion, and trusted that the Committee would agree, that he ought to move his resolutions that night, and if the honourable gentleman did not choose then to go into any remarks, which he might wish to submit to the Committee, he might make them to the House when the report should be under consideration.

Mr. Hussey.

Mr. *Hussey* asked if the right honourable gentleman was sure of his premises? He was not satisfied, he said, with the sort of answer he had received, nor did it appear to him to be a proper one. He explained what the nature of his doubts were.

Mr. Pitt.

Mr. Chancellor *Pitt* endeavoured to satisfy Mr. Hussey, and stated, that there was unavoidably such a difficulty in the mode of making up all Indian accounts, that he was not surprised the honourable gentleman was somewhat puzzled;

but

but the very same idea which had struck the honourable gentleman, had struck the honourable gentleman below him (Mr. Francis) who had year after year put the same question and received an answer. The honourable gentleman, Mr. Pitt said, had recently been so much acquainted with matters of finance, that he could easily reconcile it to himself, he had no doubt, that accounts of finance made up with one view, would be found rather unintelligible when considered in another. In order to give the honourable gentleman as clear an idea of the case as possible, let him suppose that in the charges of our own accounts from the first of May 1791, to the last day of April 1792, the unfunded debt was placed at the top of the account, and the land, and malt tax, and such other articles as constitute what are usually called the Ways and Means, were placed under it, and a balance was struck, that balance would not be the real deficiency. In like manner were the Indian accounts made out. In answer to Mr. Benfield, Mr. Pitt observed, that the subject then under discussion before the Committee, was merely the consideration of the revenue arising from the territorial possessions in India, which were put under the superintendance of the officers of the Crown, and not the commercial affairs of the Company, which had nothing do with the subject of the day.

General Smith.

General *Smith* maintained that it was impossible to separate the consideration of the affairs in this country; to give a just account of them, the right honourable gentleman must comprehend the assets of the Company at home and abroad. If, for instance, the debt of the Company was the topick, and a parcel of bills of exchange were drawn upon Leadenhall-street, though the debt in India would be decreased, the debt would, in fact, be only transferred in part, but taken altogether, at home and in India, would remain the same. It had that day been stated, that the right honourable gentleman had changed his opinion. He however, was one of those, General Smith said, who had not changed his opinion, but entertained the same sentiments of the war that he had done at first. Most of the gentlemen, he observed, were afraid to state any opinion at all upon the subject of the war; but that was not the case with him; by the last advices, he saw reason to believe, that the war was approaching to its conclusion, and he would state why. From what had passed on the Malabar coast, Colonel Abercrombie and Colonel Hartley were approaching to Mangalore and the Biddenore country. That would alarm Tippoo, who would hasten towards these places, and make peace to preserve them. The General founded his expectation on what had passed in former wars, first with Hyder Alley, and afterwards

wards with his son Tippoo. The Biddenore country he stated to be the favourite possession of both father and son; and he was persuaded that Tippoo would do every thing in his power to save it. Talking of peace, the General said, he was one of those who hoped that no peace would be agreed on, till we should have gained the object of the war; and what was the object of the war? In the first place, it was our future security. The General here read a letter written in 1781, by General Matthews, who was sent upon the expedition he had recommended, and afterwards fell a sacrifice to the cruelties of Tippoo Sultan. This letter, he observed, was written with a prophetic kind of spirit. It stated that Tippoo was anxious to possess himself of the Travancore country, which would enable him to enter the Carnatic whenever he pleased, and that he would certainly seize the first favourable opportunity of doing so. It therefore stated the going against Mangalore and Biddenore, which when carried into effect, actually induced Tippoo to make peace. General Smith reasoned upon the contents of the letter, and said, the object of the war at that time, and at present was the same, but that we now had a much more powerful force than we formerly had under Sir Eyre Coote. As the Rajah of Travancore was, if not our ally, at least our tributary, he said, we were bound to defend him, and secure his territories from danger, which could only be done by gaining the possession of those passes through which Tippoo could enter the Travancore country, whenever he thought proper. The General therefore repeated his declaration, that he thought the object of the war was to lay the ground of future security.

Major Maitland.

Major *Maitland* rose, and began by assuring the Committee, that, at that late hour, he should not take up much of their time; he however, could not forbear making a few observations on what had been said. He confessed himself to be one of those romantic persons who thought the expence of the war would be twelve millions at least. That was his opinion, and he confessed it to be so, because he grounded it on his knowledge of the expence of former wars in India. The right honourable gentleman, he observed, brought forward a statement, which he told the Committee he could not himself believe; and he had taken abundant pains to induce them to do so. Another romantic thing was, that should the expence of the war be six, eight or ten millions, the right honourable gentleman had declared, that India would assist Great Britain before she would require assistance from us. He would leave it to the Committee to judge how far that idea was rash and romantic, or not. The Major said he should not wonder if the next accounts from India stated that the

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crops of the Carnatic, and consequently the revenue of the Carnatic, were ruined for the ensuing year. He explained upon what principles he founded this opinion. He stated, that General Meadows went into the Carnatic at a season when the crops were off the ground, and all the inhabitants returned from harvest to their respective villages, and that he suddenly marched just when the season subsequent to sowing the crops had commenced, and took with him every man he could lay hold of to augment his army. Without, therefore, strengthening his own force, he had weakened and depopulated the Carnatic, and left it in a state of want of defence. The right honourable gentleman, the Major observed, had been pleased to say, that a letter of Col. Floyd, whom he (the Major) declared he revered greatly as an officer, gave as good an account of the progress of the war up to the time that the dispatches came away, as Government were in possession of. That Major Maitland denied; the letter gave an account of a defeat, for such it certainly was, but it told them no one thing with regard to the general operation of the war. He contended that the British army in the Coimbatore country had been totally defeated; and when he said so, he did not mean defeated in the field, but checked in its operations and progress, not, the Major said, from want of men well disciplined, not from want of brave and skilful officers, but for another reason. He declared he founded this assertion upon the contents of a paper which the right honourable gentleman had, he presumed, inadvertently suffered to be placed on the table. The House, Major Maitland said, were in possession of his opinions respecting the war; he acknowledged that he entertained sanguine expectations of its success, and he had stated the reason why; but he had at the same time made two exceptions, one, in case the head of the army acted imprudently, and sent away detachments from the main body; the other in case there was a want of provisions. Gentlemen would recollect that he had been silent respecting the head of the army, when he last spoke upon the subject; the act that had passed the Committee that day, gave him hopes that our arms would prove more fortunate than they hitherto had done, because if our men were well disciplined, and our officers skilful and spirited, the want of success must be ascribed to some other cause.

Mr. Pitt.

Mr. Chancellor *Pitt* said, it was natural for the honourable officer opposite to him whose professional habits might lead him to discuss any military topics, to speak upon the conduct of the war; but he would submit to the House, whether it was not rash, and premature, nay unfair, to cast any reflection on an officer who was serving his country, at the risque of his life, in a distant clime, and at a time

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too when the House could not, from any thing before them, be enabled to judge how far any such reflection was merited or not. He could not therefore sit silent and hear an attack hastily and rashly made on the character of General Meadows, and his conduct in this war. Every man, situated as General Meadows was, was entitled to the protection of that House, and to have so much credit with his country, as to be thought meritorious, until some proof of the contrary was established. After a reflection or two more of this sort, Mr. Pitt said, he thought he owed to every person employed in the service of his country, to stand up in their defence in their absence, and to pronounce any reflection on their conduct, to be equally hasty, premature, and unjust.

Major Maitland. Major *Maitland* begged leave to say a few words in answer. He did not mean to criminate General Meadows, who might be serving his country possibly at the risque of his life, or to make any personal reflection to his prejudice. He held it to be unfair and unhandsome to do so of any man, who had not an opportunity of defending himself; but his opinions upon the subject of the conduct of the war were no secret to the right honourable gentleman at the head of the India Board. That right honourable gentleman well knew that those opinions were not hastily or suddenly formed, but founded on fact and experience. He spoke from what he was perfectly assured of, and had formed a decided opinion on the subject: and though he gave General Meadows full credit for his gallant services heretofore, he held it to be his duty as a Member of Parliament, to give his opinion on every public measure, and therefore he must persist in declaring the war to be impolitic and unprofitable.

Mr. Benfield. Mr. *Benfield* said, as he could not be allowed to state his objections to what had been urged by the right honourable gentleman that night, he would do it on the report, when he doubted not, he should be able to make it appear, that the right honourable gentleman was mistaken in many statements.

Mr. Pitt. Mr. Chancellor *Pitt* said, it should be understood, that if the honourable gentleman conceived that there was an objection to his speaking his sentiments in that Committee, the objection was in his own mind, and no body's else. He was perfectly at liberty to state them, respecting the question then before them. They were perfectly prepared to hear him, Mr. Pitt said, and the honourable gentleman was himself present in the Committee.

Mr. Benfield. Mr. *Benfield* said, at that late hour (it being eleven o'clock) he could not attempt to go into the detail that he intended.

Mr. Dundas. Mr. *Dundas*, by way of explanation, observed, that gentlemen confounded the statement of the revenue and charges of the

the Company's territorial dominions in India with their commercial concerns, and the general state of their affairs. Gentlemen might as well talk of the South Sea Company, as of the Company's credit at home. The only subject to be debated were his resolutions, which were resolutions of fact, turning upon figures, and which he defied any man to call in question.

Mr. *Benfield* said, the papers laid upon the table, referred to the affairs of India, and therefore he conceived they were fit subjects of discussion. — Mr. Benfield.

Mr. Benfield's motion being negatived,

Mr. Dundas's resolutions were severally put and agreed to, and ordered to be reported the next day.

The House adjourned.

Wednesday, 25th May.

Mr. Fox brought in his bill respecting libels, which was read a first time.

The preamble stated, that whereas it was the right of juries in criminal cases, when a [illegible] issue was joined, to give a general verdict of guilty or not guilty; and whereas doubts had arisen whether juries were entitled to the same right, in [illegible] indictments or informations for libels, the bill proposed that it should be declared and enacted that the right of juries [illegible] a general issue [illegible] as well as all other [illegible] matters.

Mr. Fox moved that the bill should be read a second time.

Mr. *Mitford* rose and said, that the bill was [illegible] of great magnitude [illegible] to [illegible] serious attention of the [illegible] the [illegible] proceedings of the Courts of law, [illegible] to be passed in a hurry, but [illegible] with great gravity and deliberation. [illegible] considered as the bulwark of public [illegible] liberty. At the same time, he thought that House [illegible] to pause a little before it resolved to [illegible] doctrines of law which had almost uniformly prevailed ever since the revolution [illegible] to take away that jurisdiction which had appeared [illegible] the practice of the Courts ever since that period, to belong to the Judge, and not to the jury. No one would [illegible] that the Judges of the present day could have any personal interest in withholding [illegible] any of their legal and constitutional functions: they could not [illegible] than to preserve the [illegible] and consistency of legal decisions. If judges were to consult only their own personal interest, — Mr. Mitford.

they would rejoice at a meaſure which would throw upon juries the exerciſe of an ungracious office. A general verdict of a jury, in caſe of libels, would conceal the ignorance of a judge, if he ſhould happen to be ſo little acquainted with his profeſſion, as not to be able to lay down clearly the law on the particular queſtion; and if he was corrupt, his general verdict would cover his corruption. This bill would, no doubt, conſult the caſes of the Judges; but in ſo doing, would it be of uſe to the public? Theſe obſervations, Mr. Mitford ſaid, he had thought it neceſſary to make, for the purpoſe of preventing the Houſe from paſſing, as a matter of courſe, a bill which, in his opinion, was of the utmoſt importance.

Solicitor General. The *Solicitor General* expreſſed ſimilar ſentiments to thoſe of the gentleman who had juſt ſat down. He began by profeſſing a moſt religious regard for the inſtitution of juries, which he conſidered as the greateſt bleſſing which the Britiſh conſtitution had ſecured to the ſubject. He had his doubts, however, whether the bill then before the Houſe would add to the utility of that invaluable inſtitution. The manner in which the preamble was worded did not appear to him to be free from objection, becauſe he believed what was therein ſtated as a fact, was not generally admitted. If he were to be governed by that which was the uſual guide of Courts, precedent, he muſt ſay, that doubts did not exiſt whether the right of juries to give a general verdict in criminal proſecutions, on a general iſſue joined, extended to libels, ſo as to leave the juries judges of the law as well as the fact; the opinions of Lord Mansfield, of Sir Dudley Ryder, of Lord Raymond, of Lord Chief Juſtice Lee, and other great Judges, lay the other way; and an honourable friend of his (Mr. Erſkine) had gone ſo far, a few days ago, as to admit, that if he were placed by His Majeſty in a judicial ſituation, he would feel himſelf bound by the deciſions and opinions of the learned Judges who had gone before him. Surely then it would be conceded to him, that a bill which wa to unſettle the doctrines of the Courts of law, after they had obtained for a whole century, and had been ſanctioned by the greateſt law authorities which this country could boaſt, ought not to be carried with precipitation through Parliament; and he hoped he ſhould not be thought to aſk too much, if he requeſted that before the next diſcuſſion of the bill it might be printed.

This called up

Mr. Erſkine. Mr. *Erſkine*, who declared, that ſooner than he would conſent to give up the preamble of the bill, he would abandon the bill itſelf for the preſent, and leave it to the people of England to protect their rights themſelves by their verdicts

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on juries, until a more favourable moment should arrive, when Parliament would recognize, as a fundamental principle, the right of juries to give, in case of libels, the same general verdict which they had an unquestioned right to give on any other criminal proceeding whatever. He begged it might not be understood, that because a determined friend to the preamble, it was his object or his wish to confound the functions of the Judge and of the jury; so far from it, he was determined, that where they were legally and constitutionally distinct, so, as far as in him lay, they ever should continue.—Whenever any special matter was pleaded, the Judge and not the jury was to decide; but he ever would contend, that when the general issue was joined, the law and the fact were so implicated, that they could not be separated, and the jury had a legal and constitutional right to decide upon both by giving a general verdict. This was not denied in any criminal proceeding, except in that of libels: the distinction appeared to him to be without a difference; and therefore he would ever set his face against it.

Something, Mr. Erskine observed, which he had said on a former day, was brought up this day by his honourable and learned friend (the Solicitor General) to prove that the practice of the Courts for a century back had not been erroneous; because he had said, that were he placed in a judicial situation by His Majesty, he would feel himself bound to abide by the precedents laid down by his predecessors. He did not mean on this day to retract a syllable of that declaration; but he might be permitted to explain it, as it appeared that the reasons on which it was founded, were not known to his learned friend. He had always been of opinion, that when a practice, erroneous in its principle, had long obtained, it was not by the authority of a Judge, but of the Legislature, that it ought to be corrected; for the rule which one Judge should lay down might be varied or rescinded by his successor; and thus uniformity of proceeding would be entirely destroyed, and a fatal uncertainty established in its room.

These were the grounds, Mr. Erskine said, on which he formed, and on which he would abide by, that declaration, which was this day quoted as an objection to the bill He considered as very singular and extraordinary, an opposition to the second reading of a bill, which had been brought in with the unanimous concurrence of every part of the House; and he did not think it very respectful to the unanimity which had prevailed on the occasion, for gentlemen to rise up against the second reading. The House in unanimously giving his right honourable friend (Mr. Fox) leave to bring it in, might be said to have given an opinion on the

ſubject, which what had been ſaid this day could not be thought ſufficient to ſhake.

Mr. Fox. Mr. *Fox* roſe in ſupport of the ſecond reading of his bill. He obſerved, that it was as new as it was irregular in gentlemen to oppoſe the preamble of a bill out of a Committee; for every one knew that it was in the Committee that the preamble, and the other component parts of a bill were ſeparately conſidered and diſcuſſed; and he believed this was the firſt time that an oppoſition to a preamble was made in a Houſe. When gentlemen recollected the advanced ſtate of the ſeſſion, they could not expect that he would agree to put off the ſecond reading to a diſtant day; he meant to have it read a ſecond time on Friday next, and committed on Tueſday in the next week. In the mean time he ſaid, it might be printed; and as it was very ſhort, it could eaſily be printed before the ſecond reading. With reſpect to the preamble, he did not agree with his learned friend that it was ſo eſſentially neceſſary to the bill, that if one was not carried, the other ought to be given up; he would be glad to carry both through; but if he could ſo far ſatisfy the ſcruples of ſome gentlemen by giving up the preamble, as to prevail upon them to vote for the bill, he felt himſelf very much diſpoſed to make that compromiſe; and the more ſo, as he was ſure of attaining the main object which he had in view, by an enacting, as well as a declaratory clauſe; though he confeſſed at the ſame time, that if he had his choice he would prefer the latter.

The motion for the ſecond reading on Friday was then put and carried.

Mr. Steele having brought up the report of Lord Cornwallis's Power bill,

Mr. Dundas propoſed a clauſe to this effect, That the powers given by this bill, ſhould be exerciſed by General Meadows, in caſe of the death or abſence of Lord Cornwallis, or if appointed Governor General, or by whoever was appointed to that ſituation.

This clauſe was read a firſt and ſecond time, and was ordered to make a part of the bill.

Hon. T. Grenville. The honourable *Thomas Grenville* roſe, and began his ſpeech with ſtating his reaſons for calling the attention of the Houſe upon this occaſion; and he truſted that the preſent ſtate in which the country really was, would be a ſufficient apology. It was, he ſaid, in a ſtate of conſtant terror, and ſerious alarm; day after day was regularly producing ſomething more dangerous in appearance, more uncertain in event, and leſs intelligible, than what had gone before; and all this without any juſtifiable cauſe being given or aſſigned by thoſe who

who were entrusted with the executive government of the country. He had declared that the country was in constant terror and daily alarm for some time back, and he thought himself fully warranted to say so. But a few months ago, in the present session of Parliament, had they not been called upon to vote supplies to defray the expence of a great armament, which they chearfully granted, with the fullest hopes and reliance that the exertions of the executive Government, aided by the spirited generosity of the public purse of the people, had restored the country to the happy and benign influence of a lasting peace, the blessings and good effects of which would be universally felt by all ranks and conditions in this country. Now, he would ask, were their hopes gratified? Was their reliance verified? or could they say that tranquillity and the inestimable blessings of peace were established to them on a lasting and permanent foundation? Certainly not; for scarcely was one armament provided for by the Parliament, than another was in preparation, and appearances directly and avowedly contrary to the known interests and opinions of the country, starting up afresh; with another demand for fresh confidence, and a prospect of imposing the expence and calamities of a fresh and burdensome war upon their constituents.

When questions had been proposed to the King's Ministers by some gentlemen on that side of the House, the language that had been held, had continually been an appeal to their confidence. He should, Mr. Grenville declared, always be disposed to look with a considerable degree of jealousy to such an appeal. It appeared to him that they had been sent there by their constituents to examine, to scrutinize, to look into, the actions of public men, and when they indulged themselves in giving what in these times was called a liberal confidence to Ministers, they gave what did not belong to them to give, and neglected a more important duty. This country, he observed, stood at present in a very alarming situation with regard to foreign powers. The motion he was about to make to the House, would consist partly of a declaration of their opinion of the principal points in the present negotiation, and partly of a declaration, that it was one of the greatest and best functions of that House to give counsel and advice to His Majesty in every important juncture of public affairs. If this confidence, now so often appealed to, stood on any distinct substantial ground, it would not, Mr. Grenville said, be difficult to grapple with it, to shew the mischiefs with which it would be attended, and to demonstrate that all these grounds were contrary to every principle in our constitution. If these grounds were distinctly shewn to him, he should be glad to meet them. But the difficulty arose from this, that

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the ſyſtem of confidence was not diſtinct, clear, and open, but was grounded on ſo many and ſuch various conſiderations that one hardly knew which of them to begin with firſt. It was made up partly of the King's prerogative, partly of claims which the executive Government had made at different times, and on various occaſions, to the confidence of that Houſe, from the ſuppoſed imprudence of diſcuſſing pending negotiations, and partly, though he hoped not enough to make it worth his while to enter into that queſtion, of ſomething that looked like a claim of perſonal character. When he ſpoke of Miniſters, he mentioned them merely as Miniſters, without any alluſion to perſonal characters, which he always thought an unparliamentary and improper way of ſpeaking. He ſaid, if any ſubject juſtified perſonal alluſions, he ſhould himſelf be moſt gratified by it, when he recollected to whom it was that His Majeſty had for ſome days paſt entruſted the department of foreign affairs; for to that noble perſon he could never allude, without that praiſe and affection with which he ſhould always name him; but from thoſe alluſions he would abſtain, becauſe the duty of Parliament was to conſider only public meaſures, and not perſonal characters.

With regard to the King's prerogative of making war and peace, he was one of thoſe, Mr. Grenville declared, who was always ſtrenuouſly diſpoſed to maintain the Royal prerogatives of the Crown, becauſe he was perſuaded they were known and acknowledged by every good friend to the conſtitution. They were veſted in the Crown in truſt for the benefit of the people. He contended that there was no difference between the King's prerogative of making war and peace, and his other prerogatives; except in the extent of the exertion of that prerogative, the extent of the good that would follow, if properly exerciſed, and the extent of the miſchief, if improperly exerted. He had, Mr. Grenville ſaid, been ſurpriſed to hear ſome perſons make a diſtinction with reſpect to the Royal prerogative of making war and peace, as if it had differed from the other Royal prerogatives; but this was entirely without foundation. It ſeemed unneceſſary almoſt to dwell on principles and poſitions that appeared to be ſelf-evident, and it would be ſo, if the doctrine of confidence had not been urged; but when a doctrine was attempted to be ſet up ſo extremely dangerous to the principles of the conſtitution, he did not know how to combat thoſe principles that were oppoſite to the principles of the conſtitution, but by ſtating thoſe that were agreeable to it. It was, Mr. Grenville ſaid, ſingular enough to obſerve, that although people had been very much diſpoſed to ſpeak of the prerogative of making war and peace, as having a pre eminence over

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the reſt of the Royal prerogatives, it appeared to him, by having recourſe to the hiſtory of our country, that the King's prerogative of making war and peace, certainly at the times of the moſt abſolute Government, was preciſely that prerogative which had been moſt meddled with, becauſe, if any one right more eminently belonged to the popular aſſembly of any other country than another, it was the right to exerciſe that which was likely to bring home the moſt extenſive good or miſchief, which the exerciſe of the greateſt authority could bring to any country. The doctrine of confidence was, that the exerciſe of making war and peace ſhould be interrupted as little as poſſible. A very ingenious writer had ſtated different inſtances, in almoſt every reign of our hiſtory, from the time of the Conqueſt to the preſent day, when this prerogative was intermeddled with by that Houſe; and the reaſon was plain; becauſe the means of making peace and war never was to be obtained but by the conſent of the Commons. He would not, Mr Grenville ſaid, enter into any long inquiry on the ſubject. It might be matter of curioſity to an antiquary, to inquire when this power was firſt intermeddled with by Parliament. An inſtance of it occurred ſo early as the reign of Henry III.; the Parliament refuſing to pay his ſiſter's portion, becauſe that alliance was made without their advice. In the long reign of Edward III., that Prince was obliged to call ſixteen Parliaments, or Councils, for the direct purpoſe of ſubmitting his treaties, and the circumſtances of war and peace, to their advice. Other inſtances were to be found in the reigns of Henry VII., Henry VIII., James I., and Charles II., particularly in the year 1621, and in 1677, when the Commons declare, "that "they conceive it not agreeable to the uſage of Parliament "to grant ſupplies for maintenance of wars or alliances, be"fore they are ſignified in Parliament, from which uſage if "we depart, the precedent might be of dangerous conſe"quences." He would not mean, Mr Grenville ſaid, to fatigue the attention of the Houſe, by going into many inſtances of this kind, though the hiſtory furniſhed ample matter to ſhew, that Parliament claimed a right to advice and counſel the King in all matters of the greateſt importance. In the year 1701, King William thus addreſſed his Parliament: "I will continue to inform you of the *progreſs* that "ſhall be made in the negotiation, and ſhall be always "willing to receive your advice therein, being fully perſuaded "nothing can contribute more to the happineſs of this "kingdom, or the general tranquillity of Europe, than the "concurrence of my Parliament in all negotiations." This was ſaid by King William, and was a moſt clear anſwer to the argument on the confidence of that Houſe. As far as pe-

precedents went, by the practice of the House, it was obvious, Mr. Grenville said, that before supplies were granted, the necessity of them was clearly shewn; so that the doctrine of unlimited blind confidence, in so far as it was grounded on the prerogative of the Crown, was completely destroyed.— Another thing that had been supposed mischievous to the country, was, Mr. Grenville observed, when foreign negotiations were made public before they were concluded. That this was true, in some cases, there was no doubt. There were cases, he admitted, where it might be advantageous not to make certain things public to that House, or to the country at large; but none of those examples weighed with him in the discussion of this constitutional question. He conceived that all men would agree in the proposition, that absolute power, vested in the hands of one person, if any security could be given that that one person would exercise his power in the most beneficial manner, would be attended with advantages which would not be found in a constitution of a mixed kind, made up of so much popular Government. It would be in vain in a mixed Government, to expect the same vigour and effect, and the quickness of operation that would be found in a Government under the control of one man. This would, Mr. Grenville said, be to expect what was never likely to be found practicable even in the most perfect mixed Government; he had therefore to acknowledge this to be one of the disadvantages to which mixed Governments were liable. But still this free country was content to submit to such disadvantages, rather than endanger the solid securities of their more valuable liberties and privileges; and it had been well observed, that though [illegible] in negotiation by these public discussions, yet this very publicity gives to our treaties a stronger pledge of good faith, than can be given by any absolute Government. To confirm this idea, he [illegible] the very [illegible] Spirit of Laws.

He did not know, Mr. Grenville said, whether that was exactly the moment to advert to a circumstance which he had seen with some surprise, in the course of the session. It had been usual, when a vote of credit was given, (there were instances, he knew, to the contrary, but he took it to be agreeable to the practice of Parliament, that when a vote of credit was given) the sum voted should be specified; because he apprehended, if it were not specified, the House, who were called on to give a vote, by the description of that vote, which had no limit in point of sum, pledged itself to raise a sum of money agreeable to the terms of the vote.— Parliament, therefore, had always looked with extreme jealousy on votes of credit. He took notice of the last address that was sent up to the House of Commons, in answer to the

the King's message, which was to the following effect, "That "his faithful Commons would be ready to make good the "expences that might be incurred by the preparations for "supporting the interests of this country, and for restoring the tranquillity of Europe on a sure and lasting foundation." He believed Parliament had pledged itself to make good the expence of those preparations, whatever the sum might be. But if a precise sum had been voted, the House, Mr. Grenville observed, would have been enabled to judge whether that sum was such as they could have justified themselves to their constituents in voting. But there had been no such description, no specific or distinct sum named. He did conceive Parliament had pledged itself to make good the whole of the preparations, whatever the expence might be, which were considered by the executive Government as necessary to support the interest of the kingdom, and to contribute to the great and important object of restoring the tranquillity of Europe. This might be a very great and unlimited expence. A learned gentleman, Mr. Grenville observed, formerly speaking on this subject, had quoted the proceedings of the year 1717. He should make use of the same year for that which he conceived to be a very important part of the question. It was true, on the 17th of March of that year, there was an instance of a general vote of credit by the House of Commons, merely on a message from the Crown; but in the month of April of that year, it occasioned a very warm and important debate; it being held unparliamentary to grant any supply, before some estimate of expence was laid before the House, and the question was only carried by a majority of 153 to 149. In 1734, the same bad practice is quoted with great blame and reproach by the able author of Precedents of Parliament. But in the year 1739, a better practice took place, for a *particular sum* was then voted, and the same practice obtained in 1757, and has, as the same judicious author remarks, been adopted ever since, confining the credit to a precise and special sum. Mr. Grenville held the specifying of some sum to be absolutely necessary, and contended that the subject very much demanded their attention. They had pledged themselves by their address to make good whatever expences belonged to the operations that were carrying on for the interest and prosperity of the country. Having said thus much on this part of the subject, he should, Mr. Grenville said, be very short on the subsequent parts of it; because, as it would contain the two important points which had been the object of the present negociation, one of them had been so exceedingly ably handled, that it would be unpardonable in him to go over the same field, as he should despair of throwing any new light upon it. The first of the

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two objects, was on what grounds they were to prepare for war. They were told, there was no expression in the treaty with the King of Prussia that amounted to such an obligation. But it was said, Mr. Grenville observed, there was a system of politics connected with the treaty that justified the armament, which the treaty did not in specific terms call for. He had always conceived, that a politic system was to be governed by the obligations of treaties, rather than to furnish any new interpretations to them; because the system might be liable to much doubt, which it is the object of a specific treaty to remove. He had always understood the peculiar praise of defensive treaties to be, that all treaties, except defensive treaties, contained some *casus federis*, which might be matter of dispute and uncertainty, whereas the *casus federis* of defensive treaties admitted of no doubt. The single object was, whether the kingdom of either of the two parties who had entered into the treaty had been attacked? Had any of the dominions of the King of Prussia been attacked? Had any of the dominions of Great Britain been attacked? There could not be any doubt about it. The fortress of Oczakow was that on which this country insisted upon the Empress of Russia giving up to the Turks. The single circumstance that furnished ground of apprehension was, that the Empress of Russia, not content with her present extensive territory, had in contemplation to overthrow completely the Empire of Turkey. There was no other argument of weight, and that argument would have had weight with him, if he had not heard the subject discussed. One would have thought that Oczakow contained in it the whole fate of the Turkish Empire. It was not, he said, the first time it was in the hands of the Russians. It was in their possession in 1737, and created no alarm, no apprehension in this country. It had been completely overlooked by the Empress in her military arrangements in the last war. He could, therefore, see no reason, either founded on policy or justice, why this country should compel Russia to give up Oczakow to the Turks. But it was an opinion with many, that our grand object was to put the King of Prussia in possession of Dantzic and Thorn, a system of alliance that looked so offensive to other powers, as to be equally impolitic and unjust: on this, and the present situation of Dantzic and Thorn, he dwelt for a considerable time. As to Dantzic, what did we expect to gain by the cession of that city to Prussia? a larger share of the trade of Poland, perhaps. But would gentlemen recollect, that in 1707, Queen Anne entered into a treaty of commerce with that city, which was guaranteed by several powers. In 1767, the Empress of Russia guaranteed the liberties of Dantzic, which was likewise protected by the

treaty

treaty of Elbing, 1655; the treaty of the Hague, 1659; and the treaty of Hanover, 1725. The honourable Member then alluded to the part we took in the peace betwixt the King of Sweden and the Empress of Russia, and referred the House to the late Danish Memorial. Denmark was in the reach of our magnificence, and, under that idea, we were induced to suppose that she would accede to our wishes. But was it wise or prudent to buy war, in order to mediate for peace? He concluded that part of his argument, by stating his opinion, if the real interests and internal prosperity of Great Britain was to be consulted, he could see no cause, or reason, why she should meddle in all the disputes of other powers, or assume the character of arbiter of foreign alliances between other countries, thereby thinking to hold and preserve the balance of power in Europe; and certain he was, if such was the system of administration, it would be unsuccessful, useless, and even extremely dangerous to the true interests of this country. Having said thus much, he came now to call upon the House to interpose, and offer, in the present state of political affairs in Europe, their best advice to His Majesty, and request that he would be graciously pleased to order such measures to be taken as might effectually establish, upon a solid and permanent basis, the peace and tranquillity of the country, by saving his people from a burdensome and oppressive war, the consequences of which must be severely felt; and in so doing, His Majesty and that House would shew their regard for the interests of the people of England, and take the only sure way of increasing the trade, manufactures, and improvement of the country; would raise the revenues of the country at home, and promote its interests abroad, and finally unite with the earnest and avowed wishes of the people, the prosperity, happiness, and glory of the nation. Mr. Grenville now moved,

"That an humble address be presented to His Majesty, to offer to His Majesty's most gracious consideration, that counsel and advice, which it is the duty of the Commons to communicate to the Throne, in every important juncture of public affairs.

"To represent to His Majesty, that the prerogative of making peace and war, being, in like manner as all the other royal prerogatives, vested in His Majesty, in trust for the advantage and benefit of his people, this House does conceive the beneficial exercise of that prerogative to be most constitutionally and effectually promoted by the advice of his faithful Commons in Parliament assembled.

"That His Majesty's faithful Commons, ever zealous to assist him in maintaining the true dignity of his Crown, by enabling him to provide for the real security and happiness of

his people, find themſelves compelled at this juncture to expreſs their anxious ſolicitude, that intereſts of ſuch important concern may not be unadviſedly committed to the chances and calamities of a burdenſome war.

"To recommend to His Majeſty's moſt ſerious attention the important advantages which the trade and manufactures of this country derive from their friendly and commercial intercourſe with Ruſſia, and the heavy loſs which would be ſuſtained by any interruption given to it.

"To ſubmit to His Majeſty, that no arrangement reſpecting Oczakow and its diſtrict, does appear to this Houſe to be capable of affecting the political or commercial intereſts of this country, or to juſtify Great Britain in any hoſtile interference between Ruſſia and the Porte.

"To expreſs our reliance upon His Majeſty's wiſdom and juſtice, that the peace and tranquillity which this country now enjoys, ſhall not be interrupted for the purpoſe of adding any increaſe of territory to the dominion of the King of Pruſſia.

"Laſtly, to repreſent to His Majeſty, that, under the many burdens which this country has very recently voted, in addition to thoſe before impoſed on their conſtituents, they ſhould neither diſcharge their duty to His Majeſty nor to the public, if they did not uſe their beſt endeavours to aſſure the continuance of the bleſſings of peace, by offering to His Majeſty their humble and earneſt advice, that His Majeſty, in his wiſdom and paternal affection to his people, would be graciouſly pleaſed to decline all hoſtile interference upon the ſubject of the fortreſs and diſtrict of Oczakow, for the purpoſe of procuring any farther acquiſitions to the dominion of the King of Pruſſia."

Mr. Pelham.

Mr. *Pelham* roſe to ſecond the motion; which, he ſaid, was all the eloquent ſpeech, the Houſe had juſt heard, rendered it neceſſary for him to do. He would therefore only add, that as much as he concurred with the honourable gentleman, ſo much did he deprecate a war with Ruſſia.

Mr. M. Montagu.

Mr. *M. Montagu* declared he ſhould give his decided negative to the queſtion. He would not, however, he ſaid, follow the honourable gentleman in his detail, as he had heard no new argument, and ſaw no reaſon, to withdraw that confidence from Miniſters, which he had given to them, when he voted for the addreſs in anſwer to His Majeſty's meſſage. Mr. Montagu ſaid, he was aware how much more eaſy it was for the honourable gentlemen on the other ſide of the Houſe to argue for the addreſs then moved, and to find fault with Miniſters, than for him, or thoſe who thought with him, to defend them. It had become, he ſaid, a practice, on the other ſide of the Houſe, this ſeſſion, to

bring

bring on, day after day, and provoke the diſcuſſion of queſtions concerning prerogative; a practice which he thought exceedingly improper; for which reaſon he always had, and always ſhould oppoſe them. Mr. Montagu then proceeded to argue the queſtion upon the general principles of the conſtitution, and on the received doctrines, that the power of negociating and declaring war and peace, was a general prerogative of the Crown; next on the expediency of the meaſure; and laſtly, upon the conſiſtency of the Houſe's perſevering in that conduct which it had in the two former inſtances adopted. After arguing on that point, Mr. Montagu went on to examine the expediency and conſiſtency of it; and among other things ſaid, that though he voted for the addreſs to His Majeſty, in anſwer to His Majeſty's meſſage, yet he did not hold himſelf pledged to ſupport any ſubſequent meaſure on the ſubject, unleſs he approved it on its own merits.

Mr. Powys. Mr. *Powys* ſaid, if the clear and ſenſible ſpeech that had been made by the honourable gentleman who moved the addreſs, could not convince a majority of the Houſe to agree to his motion, it certainly muſt convince all of them of his good underſtanding, abilities, and eloquence. What principally called him up, he ſaid, was the extraordinary ſpeech they had juſt heard from the honourable gentleman oppoſite, which ſtated they were bound, by ſome former vote, to give a future ſanction and confidence to the Miniſter for all his negotiations and armaments, and all the expences incurred by them. The honourable gentleman, indeed, had uſed no arguments; his ſpeech was ſo general that it was impoſſible to give any particular anſwer to it; but he certainly muſt require from that honourable gentleman, or ſome other on the ſame ſide of the Houſe, ſome explanation of that vote by which they were ſo pledged and ſo bound to the Miniſter, a ſort of general vote of credit that he, for one, knew nothing about; he therefore wiſhed to know what it was, or when it was given? The particular ſituation of the negotiation they had heard nothing ſatisfactory about. One armament came after another, and hoſtile preparations were ſtill going on; and did the honourable gentleman think that they were bound to vote away the money of their conſtituents, without knowing why? He ſhould be glad to hear by what vote they were bound to do this? They were told that they could not recal their confidence already given to the Miniſter; he wiſhed the Miniſter, or his friends, would either tell upon what particular ground they were entitled to that ſanction, or elſe recall the only three different grounds which they had yet ſtated, and give ſome new reaſon for the war. The firſt was, that to interfere or enquire into the exerciſe of the

prero-

prerogatives vested in the executive Government, was out of the power of the House of Commons; if they could stand to this, let them distinctly say so. The second was, that being already bound by some former vote to give their confidence to the Minister, it would be an infringement on that prerogative to withdraw it; if this was the case, let them avow it. The third was, that the object in view was to prevent Russia from destroying the power of the Ottoman Porte; are they convinced of this, and that it is a matter of importance to this country? In short, let them give some decent and plausible reason for their conduct, and for God's sake, let not gentlemen be sent down to the country amongst their constituents, without being able to give any information respecting what they had been doing this session, farther than that they had increased their burdens, and could not tell them why, because they were pledged to repose implicit confidence in the present Minister.

Major Maitland.

Major *Maitland* said he would not, at that late hour, detain the House long, particularly after what had been so ably stated by other gentlemen, and after the last honourable Speaker had so properly and amply answered the arguments, if arguments they could be called, which were used by the honourable gentleman who spoke immediately before him. One part of that honourable gentleman's speech was still to be answered; and that was, an insinuation, that the side of the House on which he sat were unwarrantable in bringing forward repeated questions of the same nature upon the subject of the present war. The Major said, he would boldly contradict any such assertion, and was only sorry that they were not continued and repeated, whether attended with success or not: He did not believe that the motion of to night would be more successful than others had been, but he could ask the House, and ask the public at large, and appeal to the country for the truth of what he said, whether the many motions and attempts, however unsuccessful, made by opposition this session, had not been attended in some degree with this effect: it had brought down the violence of language, and insolence of conduct, which Ministers had adopted, and would have continued. He must likewise say, that the situation of the House was completely changed since the last question of this nature was before them; and if there could be any impropriety in the conduct of opposition, it was in not bringing forward such motions more frequently than they had done. What he meant by the House being changed, the Major said, was, that ever since the discussions which had already taken place, courier had been sent after courier, and what the first carried, the other was sent either to stop or to bring back; and it was noto

rious,

rious, that after the decision of the last question of this sort in that House, one messenger had been sent, and absolutely brought to London, the dispatches which had been sent off immediately; so uncertain, so contradictory, and so absurd was the system of negociation pursued by Ministers.

As to the doctrines of confidence, Major Maitland said, that had been so fully and ably combated already, that he would not say one word on it; however, he thought those who from their uncertainty and glaring inconsistency had no confidence in their own conduct and actions, could expect little from any other body, and were entitled to none. His opinion on that point shortly was, that he was the worst Minister who demanded most confidence, and the best who demanded least; and, therefore, when those Ministers who had repeatedly called for confidence, were daily changing their measures, it was full time to withdraw it. He said, that by their uncertainty, the trade to Russia was entirely stopped; nor did the merchants know how long this embargo of uncertainty might detain them. A message, though it scarce deserved the name of a Ministerial message, had been sent to inform them, that for a certain number of weeks they might venture to carry on their trade, but they had too much good sense to pay much respect to such unusual and ridiculous messages, for not one ship had ventured to sail in consequence of it. As another proof that was no ways favourable to their conduct or consistency, the Major said, he would take the liberty to mention a very great and respectable nobleman, who had lately given up the seals of the foreign department, and whose public and private character was unusually and justly esteemed by all who had the honour of knowing him, and ranked very high in the minds of the country at large. This nobleman's resignation clearly evinced his opinion of their system, and his honourable resolution not to pledge himself in his public character in a way that he never could do in his private, being equally determined to avoid what would have been dishonourable to himself, and disgraceful to his country. The Major concluded with asserting, that as to the probability of war, he knew, and all the world knew, that it was not the intention of Ministers to go to war; the people, and that House, had told them they could not go to war; and this being notoriously the situation they were in, why did they attempt to continue practising deceit upon the country? And when they must be satisfied that there could be no war, why did they go on with encreasing armaments and expensive preparations, to add new loads on the people, without one possible good effect?

Sir

Sir Edw. Knatchbull.

Sir *Edward Knatchbull* spoke against the motion; thought every Minister should have the confidence of the House, and knew no reason for withdrawing it from the present Ministry.

Sir W. Milner said a few words in favour of the address, which he approved of.

Mr. Fox.

Mr. *Fox* rose just as the Speaker was about to put the question. He said, that as he saw it to be the determination, and as it appeared to be the desire of the greater part of the House, that the motion should go to the question, without a single word of explanation from His Majesty's Ministers, he rose to remind them, that since it was the last time probably this session of their exercising their duty as Members of Parliament on that important subject, they ought to do their constituents the justice to endeavour at least to enable themselves to give those from whom the money was to come, some satisfactory account respecting the cause of the expence, viz. the war with Russia. The House could not but have observed the ability with which his honourable friend had opened the address then moved, and the little or no argument that had been opposed to it from the other side of the House. His honourable friend had stated the perfect and complete theory of the constitution, and the arguments he had declared on the subject of confidence and the prerogatives of the Crown, were clearly founded on the best practice of that constitution. Mr. Fox said, it was the practice of the constitution, that he admired, and always held up as the fit object of admiration, and in conformity to that, he governed and guided his own practice. The doctrines his honourable friend had laid down, had been so clearly constitutional, that he defied any man living to controvert any one of them, or shake the smallest portion of their foundation. The House had voted, he said, as his honourable friend had stated it, an unlimited vote of confidence; but was their confidence never to have an end, or were they never to have any satisfaction given them respecting the object of the armament? Mr. Fox admitted that when the right honourable gentleman first brought down His Majesty's message, he had fairly shewed them that he would not flatter them so far as not to tell them, that by voting the address in answer, they pledged themselves to the probable risque of a war; but did the right honourable gentleman now mean to hold the same language? Would he do so, contrary to the opinion of every manufacturing town in the kingdom, contrary to the voice of all descriptions of people without doors, and against the general sense of the country? He was aware, Mr. Fox said, that notwithstanding so much had been said for the address then moved, and so little had been advanced

against

against it, that like the former motions on the same subject, it would be decided against, by a majority of that House. He would tell the right honourable gentleman, however, why he had that majority. It was, because they believed, though the right honourable gentleman had never told them so, that he had changed his mind. That he had changed his mind, Mr. Fox said, was clear and evident, as he would prove to the House from circumstances. They would recollect that the Russian merchants had waited on his Grace the Duke of Leeds, and desired to know if His Majesty's Ministers could give them any information whether there would be a war with Russia or not? His Grace had given them for answer, "that His Majesty's Ministers were so "circumstanced, that it was impossible for them at that "time to give the merchants any answer." The House would also recollect, that the Russian merchants had since waited on Lord Grenville, and received a message, which though it did not formally state itself to be a ministerial message, clearly was so. In that message, Mr. Fox said, the merchants were told, that they might safely navigate to the Baltic till the beginning of July. Now, Mr. Fox said, he wished to know why Lord Grenville was more fit to give that answer to the merchants than the Duke of Leeds? Besides if dates were referred to, the House would see that between the answer given by Lord Grenville, and the former answer of the Duke of Leeds, there could not have occurred any thing that was not known at the time of that answer. Mr. Fox laid great stress on this, and said the honourable gentleman was master of his own honour, but he asked if it was not the duty of the honourable gentleman who made the motion, if it was not his duty, and the duty of every man in that House, to feel for the honour of the country? The majority he well knew reasoned in this way, "the "Minister has never told us that he does not mean to go to "war, but we know him to be so good and excellent a "Minister, that he will not go to war, although he affects "to have such an intention." Was it, Mr. Fox desired to know, for the honour of the country, to arm for a negociation, which was to end in concession and humiliation? If the right honourable gentleman did not mean to go to war, why did the armament go on at all, but for the mere purpose, as the Minister thought, of enabling him to yield with some degree of dignity, but as he thought, with additional shame and disgrace? Ministers, he contended, after proving themselves bullies, had relinquished objects which they might have commanded, and lost opportunities which they might have improved. They ought not, he said, to continue the expences of an armament, when every ob-

ject of it was dead and gone. It was, Mr. Fox said, the style of the moment to hold the prerogatives high, and to contend, that it was one of the undoubted prerogatives of the Crown to declare war and make peace. Under the sanction, therefore, of this prerogative, while Parliament was prorogued, and they were sent about their business, the Minister might plunge the country into a ruinous and destructive war. The Minister had changed his mind once, and what security had they, that he would not change his mind again? Was it any satisfaction to tell them, that Ministers had a claim upon their confidence, and they had no reason to be afraid, because Parliament must, in case of a war be assembled as soon as possible, and then they might refuse the supplies? Could they, or dared they? Mr. Fox asked. He would maintain, that they neither could nor dared refuse the supplies. What, when they found the country engaged in a war, and its honour committed? Undoubtedly they must furnish the means of prosecuting the war, and then they were reduced to that miserable expedient, the remedy of responsibility and punishment. That this might be a compensation in some cases he admitted, but would it be any compensation to an injured people! Did they not know that if Parliament had not been sitting, and owing to their good stars it had, at the time that all these consequences might have happened! Parliament's sitting had saved the Minister, though that was a very small consideration. Indeed Parliament's sitting, he believed, had more than once saved the country.

Mr. Fox here considered the case in both points of view, namely, whether the Minister had changed his mind, and did not go to war, or, on the contrary, if he pursued his original intention and did go to war; and contended that take it which way they would, the consequences would be mischievous and disgraceful. He would, he said, take the best alternative, and suppose the honourable gentleman's mind to be changed. In that case, when they went back to their constituents in the country, how were they to answer for the expences they had put them to? Their constituents would ask, what did you arm for? Would they say to make peace between Russia and Turkey? or would they more truly say, to give Dantzic and Thorn to Prussia, two places, of the independance and liberty of which they were the avowed guarantees? or would they say, we armed to insist on Oczakow's being restored to the Turks? Mr. Fox painted in strong colours that when the real causes of our arming came to be known, we should appear in the character of avowed bullies, and become the laughing-stock of all Europe. He commented on the absurdity of our forcing

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our interference, as negociaters, upon Russia, and insisting that she should give up Oczakow, and all the deserts belonging to it, to the Porte. He said, take the case the other way, and suppose that the right honourable gentleman had not changed his mind, it would then be ten times worse. After calling upon the Minister to make out a story for them, and to furnish them with some plausible reason to assign for their conduct, he declared if he were to assign without doors the reasons, and the only ones which he had heard from the Minister's friends, for our having armed, and one of those friends were to hear him stating those reasons to his constituents, he should not be surprised if that friend of the Minister were to say, "take care of Mr. Fox, "he is deceiving you. The Minister does not mean to go "to war at all." He asked, if the secret, that we were not going to war, had got out here, did the right honourable gentleman think that they would not soon know it at Petersburgh? It came with an ill grace from us, he said, that we should set up for the character of the peace-makers of Europe. He asked, were we yet acquitted of having occasioned the very war, to which we pretended to put an end? Report charged us with the fact. Report also imputed to us the drawing Sweden into the last war, and the grief we expressed when Sweden made peace with the Empress without us, rather served to confirm the suspicion. Nor were we altogether free from its being thought that the late disturbances in the Netherlands were owing in a great measure to our intrigues. While, therefore, we assumed the characters of peace makers, we stood charged with having embroiled all Europe. Would the King's Minister, he asked, deny, that if it had not been for his interference, peace would have been established between Russia and the Porte, long ago? Mr. Fox reprobated what he termed the new doctrine, "that out of every defensive treaty grew a "defensive system;" which gave us a power to attack any one of our allies. Perpetual interference, he said, would in that case occasion perpetual war. He spoke of the degree of power that the mere accident of the present situation of France had given us, and that had we used it rightly, we might have done any thing. Such a situation had never before, he said, occurred, and ought to have been wisely used. In the reign of Queen Anne, or any of the most glorious of our history, no such situation had occurred, nor any like it; if it had, what a use would the Duke of Marlborough or Lord Godolphin have made of it? It was, he declared, the mere effect of chance that we had it in our power to make ourselves so potent. We might say with the poet,

Quod optanti Divum promittere nemo
Auderet, volvenda dies en attulit ultro.

What Cardinal Richelieu, or any of the first Ministers of any age or time would have given any thing to possess, the right honourable gentleman had totally thrown away. The right honourable gentleman had put himself, and not himself only, but his country, in such a situation, as whole years of moderation and pacific measures were necessary to wipe away, and would scarcely retrieve. Mr. Fox interspersed, and added a great variety of other pointed remarks, many of them couched in very strong expressions, and several repeated more than once; at length, however, he concluded his speech with a declaration, that under such circumstances it would perhaps have been better for the country if his honourable friends, instead of bringing the subject forward upon only three different motions, had contrived to have it agitated *de die in diem*.

M. Pitt. Mr. Chancellor *Pitt* said, he certainly felt himself called upon to apologize to the House for rising at that late hour, but after having on a former occasion stated his sentiments so fully on the subject, he should not trouble them with a long intrusion, and it was the more unnecessary, as the question, with whatever ability it had been brought forward, was precisely and substantially the same question as that which had in different shapes been twice before agitated, and respecting which he had troubled the House so much at large. In the very able opening of the honourable gentleman, who moved the address, Mr. Pitt said, he had not observed much novelty, or much that required from him any pointed or particular notice. With regard to all those arguments, on the general principles of the constitution, in respect to the prerogative of the Crown, which the honourable gentleman had so much laboured, there was not one of them to which he was not perfectly ready to subscribe; the principles there stated were principles so universally recognized and admitted, that he believed, there could scarcely be found a Member of that House who would object to them. That the House had an undoubted right to interpose with its advice to the Crown, as to the exercise of its prerogatives, no man would venture to deny; but the question was not then, whether they should interfere with their advice to the Crown, at any time, but whether, after having in the first instance granted that confidence which the necessary secrecy of an important negociation required, they saw any reason suddenly, without previous enquiry, or any new grounds but those of mere guess and conjecture, to occasion such a change, they would withdraw their confidence, and totally lose the effect of a

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negociation which had for its object the lasting tranquillity of Europe. They thought when the question was formerly before them, that it was right to decide in support of Ministers during the progress of the negotiation, and now the question came a third time before them. Would they then for the third time persist in the conduct they had adopted, or would they take an opposite mode of proceeding? For his part, Mr. Pitt said, he could not but conceive, that unless there were any new circumstances come out to induce them to alter their conduct, they would preserve their consistency, and confirm their former decisions. With regard to the argument of the right honourable gentleman, he said, he had not heard from him any new grounds; neither had he heard any new language from the right honourable gentleman, that called for a specific reply; for notwithstanding all the abuse, invective and declamation, which the right honourable gentleman had with so much vehemence thought proper to pour upon him, he might rest assured, that neither his epithets should provoke, nor his invectives move him to depart in the smallest degree from persevering in that line of conduct, which he had, from the first opening of the subject by the communication of His Majesty's message, thought it his duty to adopt; but he would calmly wait for the arrival of that moment when, without any risque of danger to the public interests, the whole of the negociation could be gone into, investigated and examined; and when that moment came, he should throw himself with confidence on his country, conscious, that if they approved of his administration, they would do him the justice to acknowledge it, and determined patiently on his part to submit to their censure if they thought his conduct deserved it.

Having premised this, Mr. Pitt proceeded to observe, that in the course of that debate, there had been stated as an object for the armament, what was so far new, that it had not before been hinted at, at least in that House, viz. that we had armed with a view to procure some acquisition for the King of Prussia. As that was totally new in argument, so was it totally new to the minds of His Majesty's Ministers, as he could safely pronounce it had never once entered their contemplation. Having thus in the most explicit terms denied, that Ministers ever looked toward the procuring any acquisition for Prussia, Mr. Pitt said, the other points which the right honourable gentleman had thought proper to mention, was the change in the Cabinet, by the Duke of Leeds having chosen to retire from office. He would not then go into the discussion of the reasons which had induced the noble Duke to quit his official situation, because it was not at all necessary for him to do so, nor had it any relation to

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the question before them; he would only say, that he entertained as sincere a respect for that noble person as ever. But exclusive of the resignation of the Duke of Leeds, which the right honourable gentleman had assigned as one ground of that change of circumstances which he chose to state as a reason for Ministers having altered their minds, the right honourable gentleman had said, there had peen at one time insolence and menace in the language of Ministers, at another time timidity, and at a third ficklenesss and want of decision; and these assertions he had made without the least information that could authorise him to come forward with any one of these imputations. But even if they had been founded, they would not be arguments for the address. What was it, Mr. Pitt, asked, that could induce the House to come to the address at that moment? If it were necessary to have come to any address, he should have conceived it would have been in an earlier stage; when, if the House thought His Majesty's present servants, from any part of their former conduct, unworthy to be entrusted with the negotiation, it would have been perfectly constitutional and parliamentary to have addressed His Majesty to put the management of his affairs into other hands.

Having dwelt for some time on that point, Mr. Pitt took notice of the sort of vote of credit which the House had come to; and argued upon it, to shew that it put it less in the power of Ministers to abuse the confidence of Parliament, than if it had been a vote of credit for a million, which was the usual vote on such occasions. Had the vote of the House been that, Ministers would have had the million, besides all that could be spared out of the supply and ways and means, at their command, whereas from the nature of the vote which had passed, they had nothing more than what could be spared from the supply and ways and means. Gentlemen, he observed, had said, that if there was an end of the session, and a Parliament was not sitting, the Minister, under the prerogative of the Crown, could plunge the country into a war, and thus incur all the ruinous consequences incidental to a state of warfare. The fact undoubtedly was, that the King could plunge the nation into a war at any one time that he pleased; it did not therefore apply more particularly to the present state of the Parliament, than to any recess of Parliament; the Parliament when it met could check that use of the prerogative, and censure Ministers for having advised it; nay they could do much more, they could refuse to grant the supplies, and thus effectually prevent the war. Having added a variety of other arguments against the motion, Mr. Pitt concluded with saying that he should give his negative to it.

On

On the queſtion being put, the Houſe divided,
Ayes, 114; Noes, 208.
The Houſe adjourned.

Thurſday, 26th May.

The Houſe having reſolved itſelf into a Committee on the clerks of aſſize bill, Mr. Stanley took the chair, and the Committee proceeded to fill up the blanks and diſcuſs the clauſes of the bill.

Mr. Huſſey.

Mr. *Huſſey* roſe, to ſtate ſome objections as well to the principle of the bill, as to various of its regulations. He ſaid, that if he were aſked which he moſt approved, the ſale of the office of clerk of aſſize by the Judges, or the gratis appointment of a proper perſon to fill that office, he ſhould pronounce in favour of the ſale. Mr. Huſſey gave his reaſons for this option, and paid the preſent Judges many compliments on their integrity and the purity of their minds; nevertheleſs he ſaid, he did not approve of putting it in the power of any Judge to abuſe his power; and in making a law, it was their duty to guard againſt the poſſibility of future abuſe.

The Maſter of the Rolls, who had introduced the bill, and conducted it through its various ſtages, aſſigned his reaſons for holding an opinion as to the ſale or gift of the office of clerk of aſſize, directly oppoſite to that of Mr. Huſſey, and argued the point very ſtrenuouſly.

A long and deſultory converſation took place, in which the Solicitor General, Mr. Mitford, Mr. Jekyll, Mr. Baker, Mr. Powys, Sir Benjamin Hammett, the Attorney General, Alderman Watſon, and many other gentlemen took part.

Sir Watkin Lewes

Sir *Watkin Lewes*, as ſoon as the foregoing converſation had ſubſided, roſe, and requeſted the attention of the Committee for a few minutes. He ſaid, he could not ſuffer ſome obſervations which had fallen in the courſe of the debate to paſs unnoticed, but he muſt in the firſt place obſerve, that there appeared to him to be great irregularity in their proceeding, for they were debating in the Committee on the principle of the bill, whereas in point of propriety they ſhould only debate the clauſes, and afterwards upon the report, or any other ſtage of the bill, diſcuſs the principle, and which indeed ought to have been done before, if any honourable gentleman had an objection to it. Sir Watkin begged to be underſtood he was not unfriendly to thoſe gentlemen who had purchaſed their places, and if they were to be regulated, he hoped a liberal compenſation would be made to them; but he was clearly and decidedly of opinion that thoſe places ought not to be ſold in future. The ſale of any

place connected with the administration of public justice would be a reflection upon that House if permitted. The very respectable personages, who had originated that bill in the other House of Parliament, had done themselves great honour in giving up, for the sake of public justice, a very valuable appendage belonging to their office; and they deserved a very different return than to have the bill put an end to, by a motion in the Committee for the Chairman leaving the chair. Was the honourable gentleman, Mr. Baker, who wished to put off the bill to the next session, sure that the Judges would again bring it forward? In his opinion it was no encouragement, nor was it treating them with that respect which was due to them, after the sacrifice which they proposed for the benefit of the public. For these reasons he entreated the Committee to go through the clauses, and to let the bill have a fair and full discussion on its merits in the House.

The gallery was soon after cleared, Mr. Hussey having declared he would take the sense of the Committee against the bill; he at length however, gave way, on its being stated, by the Master of the Rolls, that he wished the bill might not be quashed, as he would make such alterations in it as should render it free from every objection that had been made to it in the course of the conversation. The bill was ordered to be reported.

The Attorney General having moved, that the House resolve itself into a Committee on the Newfoundland Court Bill,

Mr. Bastard.

Mr. *Edmund Bastard* rose, in order to object to the bill, and this he did on two grounds: it was either, he said, too much, or too little; if it was meant to answer the purposes of a colony, in consideration of the people resident at Newfoundland, it was too little. With respect to the fishery, Mr. Bastard said, it ought to be now, and formerly had been, the policy of this country to carry it on from hence. It had been the great object to send out, and secure the return, of our fishermen. This was the only true policy, the only possible method of carrying on the fishery with any advantage to this country. That the disputes which might arise respecting the concerns of the fishery were of a confined nature, and required, as experience had shewn us, no Court of law to settle them. The Governor had power sufficient for all common occurrences, and if any thing beyond that arose, the Courts of law here were open; and to this country, for obvious reasons, such application should be made. With respect also to the fishery, it was of so very peculiar a nature, that any interruption to it whatever must be highly detrimental. From the first moment of the commencement

mencement of the fishing season to the very last, the utmost diligence were necessary; and so well convinced had that House been of it, that they had actually provided against the inattention of the fisherman, by imposing a fine on him for absenting himself a single day from his employ; and that fine was scarcely a recompence to his employer, because, by his absence, the labour of many others was stopped. Now, what would be, or he might say, what had been, the effect of a Court of law so established; for a Court of Common Pleas had been established in the island of Newfoundland, by what authority he knew not, but from the present bill, he should judge without any authority whatever. For this bill was to grant a power to His Majesty to establish a Court of law on the same principle as that before established, without any authority from the legislature of this country. This Court being held during the fishing-season, at any time they might think proper, would oblige those who were employed in the trade to attend the Court, the attendance of some of whom must be ruinous to the voyage, as from its nature much depended on those employed in the particular branches of the fishery. Was this Court, Mr. Bastard asked, to be stationary at St. John's, or to go from harbour to harbour, and sit in the different parts of the island? If it was to go from place to place, it was impossible, during its residence at Newfoundland, that it could answer the professed purposes of the bill. If it was to be stationary at St. John's, it was impossible that the fishery could be carried on at any distance, and be subject to its jurisdiction; because, as before stated, the absence of one, for ever so short a time, was of so much importance, that the ruin must be evident to every one, which must attend those who were obliged to attend from a distant part. With respect to the fishery, therefore, the bill was too much *in toto*: the regulations of it ought to be as simple as possible. With respect to the bill, as concerning those who reside at Newfoundland in a colonial way, (he begged to consider the fisherman and the colonist as distinct and separate) it was too little. If a Court of judicature were necessary for that purpose, it ought to be a permanent and resident Court, and that on a proper establishment.

What, Mr. Bastard asked, had been the method of deciding the concerns of the fishery? The first act respecting it was concise and simple, and fully adequate to the purposes of the fishery; he would, however, take it in its more advanced state: In 1730, a Governor was appointed for the purpose of regulating and deciding the disputes that might arise; he usually held a Court once in the year, in which he himself presided, assisted by the Judge of the Admiralty Court, and

the Justices of the peace; a jury was summoned, and every concern of the fishery was decided. If parties were dissatisfied, there was an appeal here. This Court generally sat about a week at the end of the fishing season, and surrogates were sent to the out ports who settled the differences there. This method had continued till within a very few years, and in the course of between 50 and 60 years the business had in this manner been conducted. About two years since a new Court was established under the name of the Court of Common Pleas; and Judges were appointed to preside in it. This Court sat during the fishing season. At first Judges were summoned, and in order to induce complaints to come to the Court, no fees were taken. This custom however, was soon dropped, and no cause whatever was heard without the fees being first paid down. Petitions and representations were made to government of the establishment of this Court, of the bad principle of the Court, of the oppressive method of executing it, of the ruinous and fatal tendency of it to the fishery. Amongst other grievances, they complained that their men were constantly taken away from their employ on these juries. They did not complain of the principle of juries, because to the juries did they look for the safety of their property; but when they complained of the principle of the Court, which made those juries necessary during the fishing season, "If you complain of that (said the Court) "we will soon remedy that;" so they did, and how? why they proceeded without summoning any juries at all, and decided, as they chose, on the property and effects of the people, without any reference to the law or constitution of this country. Mr. Bulard said, he could, if necessary, enumerate a number of extraordinary decisions made by that Court on different cases; but thought it sufficient to inform the House of the situation of those persons who were appointed as Judges of that Court. Here he begged to be understood, that it was not his intention to throw any slur on the characters of those people; he made no doubt they deci ed to the best of their abilities, and if they had been placed in situations, to which it was impossible they could be equal, it was the fault of those who placed them there, and not theirs. The first was the Admiral's secretary, the next a Custom house officer, and then the Ordnance store keeper, and another the Surgeon's mate of the hospital. He made no doubt Mr. Graham might be a very good secretary, he made no doubt Mr. Coke might be a very good Custom house officer, he made no doubt Mr. Ballen might be a very good store keeper, or that Mr. Ogden might be a very good surgeon's mate; but, said he, when we see a Court of law with persons of that description at the head of it, we

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are not to wonder at the ill consequence that we may see arise from it. If a Court of law was necessary, which he denied to be the case here, it was as necessary that people conversant in the law should preside in it; or else, what did they do; they constituted the power, and then, by placing it in hands that know not how to use it, they legalized the oppression which ensued. How did the Court, proposed by the present bill, differ from the Court before established, he said, and how did it redress the complaints so justly made against it? The Court was not to consist, indeed, of the same number, but would most probably consist of the same people. The time of holding the Court would be the same; the summary way of deciding without a jury the same; and the sentence as final. Where was the difference then between these Courts? The difference was this, Mr. Bastard said, that powers were given to this Court far beyond those exercised by the former. In the former, the property only was liable to be attached, in this the person as well as the property was liable. He asked for information, if this Court was to put the bankrupt laws into execution; or if after the seizure of the property, the person also was to be seized, and remain in prison for life? This Court also, he said, was to assume the powers of the Vice-Admiralty Court, to annihilate it for the time, and to take cognizance of every thing, by sea as well as by land. There was a difference, which he was ready to ackno[illegible] was for the better; that was, the paying the Judges [illegible] salary, and not permitting them to pay themselves as they did in the former Court, by the fees which they exacted from those who applied to it. As the Governor would be almost a nominal officer, should this bill pass, Mr. Bastard said, he wished to argue this with a view to the fishery only, and not with any view to the colony, for in that light only could he consider it of any advantage to this country. If he were told that the fishery and the colony were so blended, that this bill was necessary to answer the purposes of both, he should not hesitate to say, he wished [illegible] to separate the one from the other. It was impossible they could both exist together, as the one rises the other must fall, and as they had established the colony, they would lose the fishery. What had been the case of New England? As soon as it was established a colony, they did, what it might have been supposed they would do, they took the fisheries into their own hands. If he were asked, what! leave [illegible] inhabitants there without any law? he would say, that 30,000 inhabitants ought never to have been permitted to have remained there, and that we should rather make [illegible] to induce them to return here, than to pursue a system by introducing

Courts of judicature, and civil establishments, that might induce them to remain there. Of so much consequence had this fishery been esteemed, and so much had it stood in need of assistance and encouragement from this country, that bounties had been granted to them for that purpose. So many regulations however, so many clogs had been imposed on it, and so exhorbitant and oppressive had been the fees taken by the officers established there, that within these last two years this trade has considerably decreased; and he would venture to say, that if these regulations, these impediments, these clogs were removed, the trade would readily give up the bounties granted to them. Mr. Bastard said, he must take notice of the conduct of government respecting the trade. Two bills had been brought into Parliament, the first to oblige the merchants under the penalty of two hundred pounds, to obey the orders of the Governor in quitting those parts of the island, the use of which were confirmed to them by treaty, and to leave the valuable fisheries there. This bill was brought in at the end of the session, when the trade had no opportunity of being heard against it, and after they had failed with a power, as they thought, of exercising the same right they had done the year before. The other bill was now brought in at the end of the session, at a time when it was impossible for those concerned to be heard in the manner they ought to be heard against it. He had thought it his duty, he said, situated as he was, to say so much in opposition to a measure which he made no doubt other gentlemen would concur with him in thinking highly prejudicial to this country. Mr. Bastard concluded with declaring, that he was sorry to have taken up so much time of the House, when the matter might be compromized in the very short question—will you have a fishery, or a colony?

Attorney General.

The *Attorney General* declared himself somewhat suprized, that any complaint should be made of the bill then under consideration. It sounded very harshly, he said, in the ears of that House, that any description of His Majesty's subjects should be without the means of obtaining a judicial decision of their disputes; and such was the situation at this moment, of His Majesty's subjects at Newfoundland. It was with a view to remove this ground of grievance that he had prepared the present bill, the object of which was merely to enable His Majesty to send out a gentleman of the law, with two assessors (the latter to be appointed on the spot by the Governor) in order to form a Court of justice, the functions of which would be solely confined to the power to settle debts and matters of account. It was true, as the honourable gentleman stated, that a former Court had been established, and upon accurate examination of the Governor's

vernor's patent, Mr. Attorney said, he was rather apt to think without sufficient legal authority. The first was, the Governor being an Admiral, had naturally bent his mind more to the consideration of nautical subjects, than those of a judicial nature; and as his patent empowered him to appoint Judges, had taken it for granted it authorized him to appoint Courts likewise; which was an error, he the more naturally fell into, as he saw the want of some institution of that sort. From the nature of the trade to Newfoundland, the Attorney General said, there were many servants and few masters, disputes consequently must frequently arise, and hard indeed would be the lot of their servants, if they were left wholly at their masters' mercy. He instanced one case, and he said he could state many others, to prove the want of a Court such as that which the bill authorized, viz. a Court to settle debts and matters of account merely. It was that of a merchant, who threw his man into prison for 120l. when in looking to the case, it appeared as clear as the sun at noon day, that the master was indebted to the man twelve pounds. At this very time, Mr. Attorney said, the poor at Newfoundland were calling out for a Court of justice, and the Governor had desired to have one instituted; and he must say he did not think it quite seemly for the opulent settlers to oppose a bill, which had for its object the institution of such a Court as was best adapted to the nature and circumstances of the situation. It was to supply the defect of that former appointment, and to establish a Court legally, Mr. Attorney said, that he had drawn the present bill; and he had framed the Court upon the model of that calculated for Gibraltar, which had been framed by the late Sir Dudley Ryder, and the present Lord Mansfield, and which had given general satisfaction. He agreed with the honourable gentleman as to the distinction which he had made between the fishery and the colonial inhabitants; the latter could have no property but under the act of King William, and it was the distress of the former that constituted the necessity on which the bill had been introduced. Mr. Attorney concluded with reminding the House, that being a bill of experiment, it was to continue in force one year only, that the head of the Court would be a gentleman professionally bred, and the Court would have to interfere in no points whatever but in settling debts and matters of account.

Mr. Bastard.

Mr. *Bastard* rose, in reply to the Attorney General, and began with saying, that the honourable and learned gentleman had misconceived the grounds of opposition taken by the honourable gentleman behind him. That honourable gentleman had not stated a complaint against there being any Court,

Court, but against the sitting of a Court during the fishery season. The former Courts established in the island had, Mr. Bastard said, on that very account proved the source of great inconvenience, and done more harm than good. In consequence of the restraints put upon the fishery trade of late years, he declared, that it had greatly decreased, as he would convince the House from a statement which he held in his hand. Mr. Bastard read the particulars to the House, and it thence appeared that in 1788, there were 630 vessels employed in the trade, which were reduced 103, and at that time the number of men was 5177, whereas there were now only 4270, employed. There was a decrease also in the bank vessels of 148. and the men were no more than 1558. The decrease in the boats reduced them to 118, and the men to 476. Mr. Bastard said, he knew that the vessels would be less this year than the last, on account of the Court about to be established He wished the honourable and learned gentleman would consult the trade on the subject, when they would tell him what was the proper time for the Court to sit.

Mr. Serjeant Watson.

Mr. *Serjeant Watson* proposed to the Attorney General, as a means of compromising the differences of opinion, and reconciling to the bill all concerned, to introduce two clauses; one for the purpose of enacting that the Court should not be held or sit, when its sitting interfered with, or was inconvenient to, the fishery; the other, to declare that the Court should have no jurisdiction in cases of contract made here in England with merchants not resident in England, because the parties to contracting for their voyages to the island, if they felt any grievance or cause of complaint, would have the means of ample remedy here on their return home.

Attorney General.

The *Attorney General* approved of the idea, but said, he did not think it right to make it a provision in the bill, because if any error should be committed in inserting such a clause or clauses, the effect would be irrevocable, whereas the same good might be effected through the medium of instructions to the Governor.

The bill was committed, reported, and ordered to be engrossed.

Mr. Popham having moved that the order of the day for taking the report of his poor bill into consideration, be read, the same was read accordingly.

Mr. Popham.

Mr. *Popham* then rose, and observed, that his bill had undergone great correction and alteration in the Committee above stairs. It had, he owned, been a main object with him to compel overseers to find labour for the poor; and in consequence, returns of the sums expended in the respective

parishes and districts had been called for, in conformity to the last act of Parliament, and extremely various the sums, so returned to have been expended, were; by some ten pounds had been laid out, by others four, three, and two pounds, and by others again only a few shillings. Mr. Popham therefore said, he had thrown out of the consideration all that were under forty shillings, and taken ten pounds as the average of the highest sums, and the returns considered altogether, afforded the clearest proof that the directions of the act had been very little attended to, and that not more than one parish in fifty had paid any regard to providing labour for their poor. Having stated this, Mr. Popham said, what he had at first thought to be a wise and sound regulation, the Committee had been of opinion was not so well calculated for general practice, as he had imagined; and in compliance with their ideas another mode of providing for the poor had been substituted. He however, thought it right to state, that the principle he had proposed, had been adopted so long ago as in the reign of William and Mary; he was not therefore to be charged with having attempted to introduce any thing novel. By the bill as it then stood, Mr. Popham said, three modes of employing the poor were stated, (those who were manufacturers could necessarily and easily be provided with employment, and therefore they were out of the question); the first mode was, employment in husbandry, as the first object of this country; the second, the allotment of parcels of the waste, with the leave of the lord or lady of the manor, to raise their own provisions upon; and the third, labour on the highways, for which they were to be paid out of the poor's rate. At first, Mr. Popham said, he had it in contemplation that the poor who worked on the highways should be paid out of the purse of the surveyor of the highways, but on more mature consideration he thought it better that they should be paid out of the poor's rate. In order to convince the House that there was no danger of the poor's rate being too much drained by the operation of his bill, Mr. Popham stated that those of the poor who worked on the highways would most probably be the aged and decrepit, and as they were to be paid but three fourths of the ordinary price of labour, there was no likelihood of the poor advantaging themselves of that resource so long as they were capable of other work, and could get any to do. Mr. Popham proceeded to detail the other regulations of his bill, and having gone through the provisions of the several clauses, moved that the report be then read.

The amendments having been read a first time, on the question

question "that these amendments be now read a second "time."

Lord Sheffield. Lord *Sheffield* rose, and after expressing his concern at finding it his duty to oppose a bill which had been introduced by the honourable and learned gentleman opposite to him, said, the subject was of infinite importance, and ought to be very maturely considered; which did not appear to him to be altogether practicable in the present state of the session, and therefore he must move an amendment to the question, "that the bill be read that day three months."

Mr. Popham. Mr. *Popham* said, the bill had been introduced early in the session, and very deliberately considered by the Committee. The report had been in that House ever since the 19th of the present month, and was to have been taken into consideration last Tuesday, but the multitude of public business prevented it. No precipitation or loss of time was therefore imputable to him, but every gentleman might have made himself master of it, had he thought proper.

Mr. Wigley. Mr. *Wigley* in support of the bill, said, that it had cost his honourable and learned friend so much pains, and really possessed so large a share of merit, however it might yet require alteration, that he thought it would be rather hard to treat it in the manner proposed; he hoped therefore, that the noble Lord would not persist in his motion, but would move that the second reading of the amendments be postponed till next day, or an early day next week.

The House divided on the question "that the word now "stand part of this question."

Ayes, 14; Noes. 44.

The bill is therefore left for the present session.

Mr. Dundas moved, that the report of the resolutions come to by the Committee on the Finances of India be brought up.

Mr. Benfield. Mr. *Benfield* opposed the motion, declaring, that he had much to state on the subject of Indian affairs, exclusive of China, and he trusted that the right honourable gentleman would not, at that late hour, persist in pressing for the report to be brought up, but would take Tuesday next as the first open day.

Mr. Dundas. Mr. *Dundas* expressed his surprize at the honourable gentleman's opposing the report's being brought up. On a former day, he said, when he had moved for a Committee on the Finance papers, and that Committee he had again and again put off in order to give every gentleman a full opportunity to move for as many papers as he thought proper, the House had not risen at what was usually called a late hour; but there was time, and time enough, for the honourable gentleman to have said every thing he had to say upon the subject,

subject, large as the budget might be, and voluminous as its statements. He should be glad to know, therefore, what the honourable gentleman meant by saying he should oppose the bringing up the report. If the honourable gentleman had any thing to say against any one of the resolutions that had been moved in the Committee, the regular way to do it, Mr Dundas said, would be, to let the Report be brought up, and when they came to the resolution to which the honourable gentleman wished to object, the honourable gentleman might then rise and state his objections to that resolution; or he might object to its being read, and move that the consideration of it be adjourned to any day that he thought proper. But he would venture to say that the honourable gentleman, to give it no worse term, had been misled, and taught to imagine that what he had been pleased to term the Indian budget, afforded a fit opportunity for him to go into a general view of the affairs of the East India Company at home and abroad. It did no such thing, Mr. Dundas said, nor was it possible for any honourable gentleman to object, upon rational grounds, to any one of his resolutions, because they were resolutions of figures arising out of the accounts and statements on the table, and confined solely to the finances of India. He could justify every one of them, and they had no reference to the commercial concerns of the Company, nor to their general state of affairs.

By act of Parliament, he, or whoever held his situation, was bound every year to come forward with a detail of the state of the finances of India, and to move such resolutions as naturally resulted from their consideration and amount. The resolutions of one year resembled the resolutions of the preceding year precisely, excepting only as to the difference of the figures, which were governed by the difference of the statements and accounts of which they formed the result; but they had no analogy nor connection with the general state of the Company's affairs, much less with their commercial concerns, with which Mr. Dundas said, he was expressly forbidden, by the act of Parliament, to interfere. Having fully explained this, Mr Dundas observed, that if the honourable gentleman wished to bring forward a general view of the Company's affairs, he might do so by moving for a day on which the House might proceed to the consideration; and as no man had enjoyed greater opportunities of understanding the real state of the Company's affairs, both at home and abroad, so he had no doubt but the honourable gentleman was capable of giving the House a great deal of useful information on the subject. The state of the Company's charter, and the application to have it renewed, would next session oblige them all to turn their thoughts to the general

state of the affairs of the Company, and bring them under the serious consideration of that House. If, therefore, the honourable gentlemen would take Tuesday next, or any open day to bring forward what he wished to say, his prefatory observations could not but prepare the House for the discussion of the subject next session, and in so doing, he would act meritoriously and constitutionally.

Mr. Halhed.

Mr. *Halhed* explained that the papers on the table relative to the Finances of India, were not the accounts of the House of Commons furnished by the right honourable gentleman, but the accounts of the East India Company, selected in the proper offices at the East India House from the various statements sent over from India, and delivered by the Company's accountants to the right honourable gentleman, who was not answerable for their correctness, but necessarily took them as they were, and after explaining them to the House, moved such resolutions as the papers and accounts warranted and supported. Mr. Halhed said, that House were not then examining the affairs of the Company in a commercial point of view, but in a very different point of view; they were examining the political state of our oriental territories as a Member of the British Empire. Having dwelt for some time on this point, he concluded with declaring, that he could not see any possible objection to bringing up the report.

Mr. Benfield.

Mr. *Benfield* thanked the right honourable gentleman (Mr. Dundas) for the compliments he had bestowed upon him, but he did not conceive what right the right honourable gentleman had to anticipate the sort of discussion he intended to bring on. The right honourable gentleman was completely wrong in his idea, that he (Mr. B.) wished to go into a view of the Company's affairs in general. He did not mean, Mr. Benfield said, to go out of the accounts and papers on the table; from them he would undertake to prove, that the right honourable gentleman's statements of the Finances of the several presidencies was not a true statement; and he had no doubt but he could satisfy the House of the verity of his assertion, but at that late hour (past ten o'clock) he did not expect the right honourable gentleman would bring the subject on. They had been in the House ever since four o'clock Mr. B. said, and the House in general thinking as the evening advanced, that the subject would not be brought on, many gentlemen who wished to be present at the discussion had left the House, and there were scarcely Members enow remaining to make a House, at most but very few more. He therefore hoped the right honourable gentleman would, in candour, postpone the discussion of so important a subject; a subject that involved in it

it a revenue and expenditure equal to half the revenue of England; as it was equal to seven millions sterling. Mr. Benfield repeated his appeal to Mr. Dundas's candour.

Mr. Dundas. Mr. *Dundas* said, the latter assertion of the honourable gentleman, that it was not expected the report would be brought up that night, was ill founded; for there was not a man who had questioned him upon the subject that day, to whom he had not explicitly declared his intention of moving that the report be brought up that evening.

Mr. Benfield. Mr. *Benfield* in reply said, that not being able to carry his point, he would give notice, that on Monday or Tuesday next he proposed to bring on the subject again. In appealing to the right honourable gentleman's candour, Mr. Benfield observed, that he had not stated, that the right honourable gentleman had not said, he would move that the report would be brought up, but he had hoped that he would not insist on it.

The report was then brought up, and the following resolutions read a first and second time and agreed to.

Resolved, That it appears, that the annual revenues of the East-India Company in the provinces of Bengal, Bahar, and Orissa, and from Benares and Oude, under the heads of Mint or Coinage Duties, Post Office Collections, Benares Revenue, Oude subsidy, Land Revenues, Customs, and the Receipts from the Sales of Salt and Opium, amounted, on the average of three years, from 1787-8 to 1789-90, both inclusive, to the sum of five crore, forty-five lacks, forty-one thousand and sixty-seven current rupees.

Resolved, That it appears that the annual revenues of the East-India Company in the provinces of Bengal, Bahar, and Orissa, and from Benares and Oude, under the same heads which were estimated for the year 1789-90 to amount to five crore, sixty lacks, ninety-three thousand nine hundred and seventy-one current rupeees, amounted to five crore, sixty-two lacks, six thousand five hundred and sixty-two current rupees.

Resolved, That it appears, that the charges defrayed by the East India Company in the provinces of Bengal, Bahar, and Orissa, and in Benares and Oude, under the heads of Civil, Military, and Marine, the charges of collecting the Revenues and Customs, and the advances and charges on account of Salt and Opium, which were estimated for the year 1789-90 at three crore, sixteen lacks, twenty-six thousand two hundred and seventy current rupees, amounted to three crore, twelve lacks, one thousand four hundred and eighty-six current rupees.

Resolved, That it appears, that the annual revenues of the East-India Company in the provinces of Bengal, Bahar, and

and Orissa, and from Benares and Oude, under the heads of Mint or Coinage Duties, Post Office Collections, Benares Revenue, Oude Subsidy, Land Revenues, Customs, and the Receipts from the Sales of Salt and Opium, for the year 1790 9, are estimated by the Governor General and Council to the sum of five crore, twenty-two lacks, thirty nine thousand four hundred and twenty-seven current rupees.

Resolved, That it appears, that the charges to be defrayed by the East India Company in the provinces of Bengal, Bahar, and Orissa, and in Benares and Oude, under the heads of Civil, Military, and Marine, the Charges of Buildings and Fortifications, of collecting the Revenues and Customs, and the advances and Charges on Account of Salt and Opium, for the year 1790 91, are estimated, by the Governor General and Council, to amount to the sum of three crore, eighteen lacks, thirty two thousand two hundred and seventeen current rupees.

Resolved, That it appears, that the annual revenues of the East India Company, at the presidency of Fort Saint George, and the settlements subordinate thereto, and in the Carnatic and Northern Circars, under the heads of Mint or Coinage Duties, Sea or Land Customs, Subsidy of the Nabob of Arcot, and Rajah of Tanjore, Land Revenues, and Farms and Licences, amounted on an average of three years, 1787 8 to 1789 90, both inclusive, to the sum of thirty one lacks, sixty-three thousand three hundred and ninety-four pagodas.

Resolved, That it appears, that the annual revenues of the East India Company at the presidency of Fort Saint George, and the settlements subordinate thereto, and in the Carnatic and Northern Circars, under the heads aforesaid, which were estimated to amount to thirty four lacks, ninety thousand three hundred and sixty star pagodas, amounted to thirty one lacks, thirty nine thousand five hundred and nineteen star pagodas.

Resolved, That it appears, that the charges defrayed by the East-India Company at the presidency of Fort Saint George, and the settlements subordinate thereto, and in the Carnatic and Northern Circars, under the respective heads of Civil, Military, Buildings, and Fortifications, which were estimated for the year 1789 90, to amount to thirty-seven lacks, seventy one thousand three hundred and sixty pagodas, amounted to forty three lacks, forty seven thousand five hundred and thirty-seven pagodas.

Resolved, That it appears, that the annual revenues of the East India Company at the presidency of Fort Saint George, and the settlements subordinate thereto, and in the

the Carnatic and Northern Circars, under the heads aforeſaid, for the year 1790 91, are eſtimated, by the Governor and Council of Madras, to amount to the ſum of forty-four lacks, fifteen thouſand nine hundred and forty-one pagodas.

Reſolved, That it appears, that the annual charges to be defrayed by the ſaid Company at the preſidency of Fort Saint George, and in the Carnatic and Northern Circars, under the reſpective heads of Civil, Military, Buildings, and Fortifications, and the Charges of collecting the Revenues and Cuſtoms, for the year 1790 91, are eſtimated, by the Governor and Council at Madras, to amount to the ſum of ſixty-three lacks, ſeventy-one thouſand four hundred and thirty-eight pagodas.

Reſolved, That it appears, that the annual revenues of the Eaſt India Company at the preſidency of Bombay, and the ſettlements ſubordinate thereto, under the heads of Land Revenues, Cuſtoms, and Farms and Licences, upon an average of three years, from 1787-8 to 1789 90, amounted to the ſum of thirteen lacks, eight thouſand three hundred and fourteen Bombay rupees.

Reſolved, That it appears, that the annual revenues of the Eaſt India Company at the preſidency of Bombay, and the ſettlements ſubordinate thereto, under the heads aforeſaid, which were eſtimated for the year 1789 90 to amount to eleven lacks, ninety one thouſand ſix hundred and twenty-ſeven Bombay rupees, amounted to fourteen lacks, forty two thouſand four hundred and five Bombay rupees.

Reſolved, That it appears, that the charges defrayed by the Eaſt India Company at the preſidency of Bombay, and the ſettlements ſubordinate thereto, which were eſtimated for the year 1789 90, to amount to forty nine lacks, two thouſand ſix hundred and ſeventy ſix Bombay rupees, amounted to forty eight lacks, two thouſand ſix hundred and eighty-five Bombay rupees.

Reſolved, That it appears, that the annual revenues of the Eaſt India Company at the preſidency of Bombay, and the ſettlements ſubordinate thereto, under the heads of Land Revenues, Cuſtoms, and Farms and Licences, for the year 1790 91, are eſtimated, by the Governor and Council of Bombay, at the ſum of twenty-two lacks, ninety ſix thouſand three hundred and ſixteen Bombay rupees.

Reſolved, That it appears, that the annual charges to be defrayed by the Eaſt India Company at the preſidency of Bombay, and the ſettlements ſubordinate thereto in the year 1790-91, are eſtimated at ſixty ſeven lacks, ninety-ſix thouſand ſeven hundred and fifty three Bombay rupees.

Reſolved,

Resolved, That it appears, that the annual revenues of the East-India Company at the residency of Fort Marlborough, and its dependencies, arising from Customs, Farms, and Licences, amounted on an average of three years, from 1786-7 to 1788-9, both inclusive, to thirteen thousand and forty-four dollars.

Resolved, That it appears, that the total debts owing by the East India Company in their different settlements in the East-Indies, exclusive of the sums for which bills have been granted, payable on the Court of Directors at home, in pursuance of their orders of the 15th day of September 1785, and 31st day of July 1787, amounted, according to the latest accounts of the whole debt received in England, to the sum of six crore, eighty seven lacks, eighty five thousand and seventy seven current rupees.

Resolved, That it appears, that the total of the debts owing by the East India Company in their different settlements in the East-Indies, bearing interest, amounted, on the 30th day of April 1790, to the sum of five crore, forty lacks, sixty-nine thousand three hundred and fifty-seven current rupees.

Resolved, That it appears, that the annual amount of interest payable on the said debts in India was forty-four lacks, seventy-one thousand and sixty six current rupees.

The House adjourned.

Friday, 27th May.

Mr. Grey.

Mr. *Grey* presented a petition from the prisoners confined in the King's Bench, praying for such relief as the House, in its wisdom, might think proper to grant. At this late period of the session, he said, he was afraid that he could do nothing more than move that the petition should lie upon the table. At the same time, he stated, that some relief was very desirable. There were confined in the King's Bench 500 prisoners, many of whom had wives and children; and within a space of 400 yards, it had been represented that there slept 1500 persons. One relief, however, might be granted them, namely medical assistance. At present, if a woman was taken in labour, no medical assistance could be procured after ten o'clock. Seven or eight persons occupied one small apartment. When sick, they were not kept separate; the sick and the healthy remained together, or seven or eight sick persons were stowed together in the same narrow accommodation. If they died, the dead body was suffered to remain till some means were found of removing it, and it was interred at the expence of the relations of the deceased; or, if these were not found to defray the funeral rates, at the

expence of the Marshal of the prison. It had been indeed stated, that, in some cases, the body had been suffered to remain for a length of time, in order to induce the prisoners to enter into a subscription for the purpose of removing it. Such were the particulars which had occurred in the course of the enquiries of the Committee, which he had been instructed to lay before the House, and which certainly most loudly demanded a speedy remedy.

The petition was ordered to lie upon the table.

Mr. Hippesley.

Mr. *Hippesley* said, that having given notice of a motion for the relief of the military service of the East-India Company, in particular cases, it was his wish to bring the subject before the House accompanied with the most incontrovertible evidence of the existence of the evil, and the necessity of reform; he shall therefore move, "That there be laid before this House extracts of a letter of Colonel Fullarton, "late Commander in Chief of the southern army, to Lord "Macartney and select Committee, dated 7th Jan. 1785, "containing such parts of the said letter as relate to the "arrears of the troops, and the mode of payment."

Ordered.

Mr. Sheridan.

Mr. *Sheridan* rose and said, that he would undoubtedly have been much obliged to the right honourable gentleman for his intimation of the speedy prorogation of Parliament, had it in the application he was about to make been necessary, to enter into all the detail with which it was connected. But such detail would not only be unnecessary, but improper. Before he should proceed to state what he shortly had to say, Mr. Sheridan said, he should first endeavour to refute some insinuations that the business had not been taken up by those engaged in it with all the seriousness and attention to which it was entitled. Every suspicion of this kind he thought it necessary to banish from the mind of the House, when he meant to call their most earnest attention to a business which he deemed of the utmost importance. In 1787, the first application on this subject had been made to Parliament. It had then been stated that the reform demanded was realy no object to those who were chiefly interested. But how did this appear, when of sixty six Royal burghs, fifty-eight had petitioned for the reform, and he had been able to present to the House a petition signed by ten thousand persons, almost all of whom were real burgesses. The first petition, however, sent to him in 1787, had arrived too late, as the period for presenting private petitions was then past. In 1788, the application had been renewed. The right honourable gentleman, who opposed him on the other side, (Mr. Dundas) had assented that a bill should be brought in, if it was printed, and had formed with him a sort of compro-

mise;

mise; as an effect of which he expected, from his usual consistency of character, that he would now second the motion. Another honourable gentleman behind him, (Mr. Anstruther), who had likewise opposed him in this business, whose opposition he could not but regret, and to whose influence, in every other respect, he wished well, except as an Alderman of Pittenweem, had moved for all the charters and sets of the Royal burghs, in order that they might be taken into consideration during the recess of Parliament, with a view, no doubt, to the enquiry which should afterwards follow. Having moved for the materials which could only be useful, in order to institute an enquiry, it could not be expected that he should oppose its progress. It had then been stated too, as an argument for opposing it, that the reform which was demanded, would completely overturn the constitution of the burghs. In this particular they had obviated the objection, by joining issue, and in this state the business stood at the end of the session, 1788. In 1789, as all public and private business had been suspended, from an unfortunate circumstance which, at the time, afforded regret to all good citizens, and which they must now wish might never return, not much progress could be expected to be made in discussing the reform of the Royal burghs. The bill had been again printed, and read a second time. He moved for a Committee, when the honourable gentleman had said, that they took a wrong course, and indeed of moving for a Committee, in order to consider of a remedy, they ought first to move for a Committee to examine into the facts by which the necessity of this remedy was to be proved. To this proposition they had assented. He moved for a variety of papers, which it was agreed should be laid upon the table; and here again the matter rested. In the next session, Mr. Sheridan said, nothing had been done. The papers moved for had not some of them arrived till the middle of May, and not till he had found himself obliged to renew the order. No part of the delay hitherto, he hoped, could be imputable to him. The delay this session, he would take upon himself. He had, indeed, advised it not to be brought forward at all. This advice he had given, in compliance with the opinion of his friends, that in the present state of the public mind, as differently acted upon by the revolution of a neighbouring country, it would be prudent for a while to suppress all ideas of a reform at home. In this opinion however, Mr. Sheridan owned, he could not agree. For if either a spirit of servility had got abroad among some, or wild enthusiastic notions of liberty were cherished among others, he deemed it equally incumbent upon Parliament, uninfluenced by extrinsic circumstances, to show their deter-

mined

mined resolution to redress every grievance that demanded their interference, and attend alone to the calls of justice. He was likewise unwilling, he said, to bring forward a business of so much importance, without that support which he most respected and esteemed. Looking to his object, he certainly considered it as no ground of censure to accommodate himself to means, whilst he made no sacrifice of principles. His objections, however, he had yielded to the wishes of those who were most interested, and he had the satisfaction to say, that he was supported in his attempt by names, which, if he were to mention, would not be deemed likely to countenance any act of rashness. He would first wish to remove every idea that in the present business there was any novelty attempted.

The honourable gentleman, who might be supposed well acquainted with the history of his own country, ancient and modern, would know that the internal Government of the Royal burghs, had always been an object of complaint and redress. He would read a commission so far back as the reign of Charles II. which enumerated the same grievances which were now actually stated to exist; and among others, the misapplication of the public money, to the purposes of corrupt influence, an evil which was then a subject of complaint, and of which the honourable gentleman was to consider whether there now remained any traces. No new grievance was now the subject of complaint. Power had always been growing into abuse. The same evils had always existed. No remedy was granted; nor was it likely, that in the reign which he had mentioned, any provision should be made for securing the liberties of the subject. So had the matter rested till 1784, when encouraged by the declaration of a right honourable gentleman, that he would always support parliamentary reform as a man, and as a Minister, the friends of reform in Scotland had formed a convention, and sent delegates from the 58 burghs, who had different meetings on the subject. In this state the business had fallen into his hands. Little more, he conceived, was necessary to be said. When 58 out of 66 burghs have stated great and positive grievances under which they laboured, and when they had professed gratitude to a right honourable gentleman for the encouragement which he had afforded them to expect redress, he trusted that their gratitude would be confirmed upon solid grounds. If after all the information had been procured, Mr. Sheridan said, they should refuse to look into such information by a Committee, they would certainly, by thus shrinking from the enquiry, grant that evils existed, which they had neither fortitude to examine, nor virtue to redress. If what was stated as griev-

ance was fact, he demanded redress, not as a matter of favour, but of right; as a claim which was not to be weighed by discretion, but which was established by justice. He should now shortly state the grievances which were complained of. 1. The Magistrates exacted, without legal authority, the cess, or land tax. He was not to be told, that the sum thus exacted above the legal proportion was small. However small it was, the exaction was no less a violation of justice than an object of redress. 2dly, The Magistrates assume a power of disposing of the public money according to their own discretion 3dly, They were self-elected, contrary to the law, as might be proved from the charters on the table. But what was the most serious grievance of all, there was no competent Court of Jurisdiction for the redress of such grievances. In support of this assertion, Mr. Sheridan quoted the proceedings of the Court of Session, where, while the grievances had been allowed to exist, the Court had been declared incompetent for their redress. Nor did this competency which was wanting in the Court of Session, reside either in the Court of Exchequer, or in the convention of the Royal burghs; so that here was an evil existing, where there where absolutely no means of redress. He begged, however, to state, that he did not mean to include all the Magistrates in the charge, which he had brought forward, of abuse; far less would he impute to his opponents any unworthy motives; as he trusted they would do justice to those motives of regard for the constitution, from which alone he had undertaken the present question. While he gave credit to the inhabitants of Scotland for those advantages which they derived from a spirit of enterprise and industry, he wished likewise to secure them the full protection of law, and the benefits of an equal and fair administration of justice. Mr. Sheridan then moved, "that the "several petitions, accounts and papers, presented in the last "session of the last Parliament relative to the internal go- "vernment of the Royal burghs of Scotland, should be "referred to a Committee." He said he did not know that Parliament would be so soon prorogued; it was an event entirely unexpected; nor did he see at present any reason for the strange scrambling expedition which had lately been used with regard to the public business. Much progress, however, might still be made. If Parliament was not prorogued till Mr. Hastings should bring forward his defence, all that was wished might be attained. If, however, he should not now succeed in making that progress in the business, which he wished, he should hope, that he would, at least, be allowed to take it up at an early period of the next session.

Mr. Fox seconded the motion.

Mr. *Anstruther* said, he did not rise to take up much of the time of the House in his reply, to the honourable gentleman, as a great part of what he had said was not to the purpose. The honourable gentleman, it appeared, had been led into delay by one accident after another, and had now, in spite of all his hurry, been forced to bring on the business contrary to his own inclination. The honourable gentleman had made a mistake in saying that he had made the motions for the charters. They were made by himself; he had only suggested the term cess, which was the only word that could have procured those papers which were wanted. As to the compromise, which he had said had been made between himself and the right honourable gentleman on the other side, no such compromise had ever taken place. The right honourable gentleman had only said, that he had no objections to a Committee if there should be shown any reasons why they should go into it. It had been alledged, that the right honourable gentleman on the other side ought to support the measure, because he had declared himself a friend to parliamentary reform. But the fact was, that by the present application no reform was intended. With regard to the abuses enumerated by the honourable gentleman, upon examination, they would be found to vanish.

Mr. Anstruther.

1st, As to the illegal exaction of the cess. Cess, it was well known, was the same as land tax: and besides, the sum was not apportioned by the Magistrates.

2dly, That the Magistrates disposed of the public money. The case was the same in England. Who else but the Magistrates were entitled to dispose of it? Every corporation surely had a right to the application of its own income.

3dly, That they elected themselves. The same right was exercised by the corporations here; and how could it possibly be otherwise! If the honourable gentleman, Mr. Anstruther said, meant to attack the general practice as an abuse, he should not point to any partial, but to an universal remedy. If self election was contrary to law, then surely there was a law to set it right. If it departed from constitutional principles, it was by recurring to these that it might again be brought back. No action, it had been alledged, could be brought against a corporation: the case was the same in this country: with what propriety could an action be commenced against a corporation in the King's Bench. The fact was, that those who had brought those actions, could not show their title to sue. The burgesses of Scotland stood in the same situation as the freemen of London. If the honourable gentleman would come forward and state his motion to

be a motion of parliamentary reform, which the honourable gentleman disclaimed it to be, he would, Mr. Anstruther declared, meet the motion, and though, perhaps he would not agree with him in it, yet he would debate it on its own grounds, and not in the shape in which it then came forward by a side wind. With regard to the circumstances of their departing from their charters, that could be corrected. The honourable gentleman had stated his surprize that the session should be drawing towards a conclusion, when they had nearly arrived at the month of June; it was in his mind a natural time of the year to expect a period would be put to the session. Mr. Anstruther concluded with saying that he thought this application without the least foundation, and should therefore vote against it.

Mr. Dundas. Mr. *Dundas*, after denying that he had entered into a compromise with Mr. Sheridan to go into a Committee, said, that no delay was necessary this session, as all the papers had been upon the table at the end of the last. The great objection which he had to a Committee this session, arose from the very advanced period at which it had now arrived, so that it would be impossible for the Magistrates, with all the speed which they could exert, to attend the Committee, in order to watch after their individual or public rights. Another objection which he had to a private Committee was, that it would most infallibly operate as an instrument of delusion. The friends of the reform, upon hearing that such a Committee was appointed, would immediately flatter themselves that a change would take place in the whole system. Though he differed in opinion from the honourable gentleman with regard to what he had enumerated as abuse, though he was sensible that the better part of the inhabitants of Scotland were of the same way of thinking with himself, and adverse to any alteration, yet he had no objection to meet him upon fair ground in a Committee of the whole House. And if it could be proved that there existed grievances, and that these were without the means of redress, a proposition, however, to which he could not now agree, he should be the most forward to move for one or two acts of Parliament in order to provide a remedy.

Mr. Fox. Mr. *Fox* began his observations upon the subject by taking it up upon the grounds which had been stated by the right honourable gentleman who spoke last. That gentleman had said, that if the grievances alledged to exist could in any manner be proved, he would have no objections to going into the Committee proposed. Now his honourable friend, and those for whom he spoke, had certainly complained of grievances which did exist, which they were willing to bring proof upon, and which, when enquiry was made concerning them,

would

would be found of that magnitude and nature as to be well worthy of the attention of a Committee of that House. And as the right honourable gentleman had likewise wished that some specific measue were brought forward now, when that enquiry was finished, which a Committee only could obtain, he would be ready to bring forward a proposition for a remedy to the grievances complained of. But by opposing the Committee, the right honourable gentleman seemed inclined to pass over the object, which he could not deny, was a good one, if the necessity of it could be proved, which he (Mr. Fox) had no doubt it could, and before they had begun to receive the necessary information on that point, the right honourable gentleman had determined that no such information was to be had. However he, for one, could not agree that this was meeting the subject fairly; on the contrary, it rather shewed that the opponents of this reform dreaded the consequences of such inquiry as would be made by a Committee, and therefore built their hopes for a continuance of the present system, more upon the preventing of such investigation, than any probability of their being able to prove that such grievances and abuses, as were almost universally complained of in Scotland, did not exist. There was one thing, however, Mr. Fox said, which he contended was a strong argument for appointing a Committee on the subject; and it was, that, he believed, no person in the least conversant with the present proceedings on the management of the burghs of Scotland, would say, there was nothing fit to be remedied, or something to which no remedy could be applied in the government of these burghs. When that question came to be fully examined into, and fairly discussed, he said, he was perfectly convinced, that much would be found that required a remedy; and likewise, that there were those who were ready to propose such remedies as were most likely to be effectual in redressing the grievances that exist, and the abuses complained of.

With regard to the late period of the session, Mr. Fox observed, if it was really so near the end, a point which he would say a few words upon afterwards, that objection to bringing forward the motion for a Committee now, might have some weight with him upon the ground mentioned by the right honourable gentleman, that it would not be possible to bring such persons and such information before that Committee as might be proper and requisite to have; he therefore would advise his honourable friend to take the next step that was left for him in this business, and that was to bring the House to a resolution, that it would be taken up early in the next session of Paliament. Mr. Fox then said, he was a good deal surprised, when he heard gentlemen introduce into

2 ... debates

debates upon all subjects, the late period of the session, and the certainty of its coming to a conclusion very soon, a circumstance that, he owned, he was quite at a loss how to account for. In his mind, because the session had begun in November, and it was now near the month of June, could not be the probable cause of it. He allowed, that most gentlemen certainly liked to be enjoying themselves in the country, rather than be confined to business in town about this time. Yet that was not his way of estimating what ought to be the lenght of the session; the only way which he thought it could or ought to be estimated, was by the nature and importance of the business of Parliament which was left not transacted; and which was undoubtedly worthy of consideration from those who had it at any time in their power to advise a prorogation of Parliament. Now, to the best of his knowledge, there were, after all that had been done, eighteen or twenty businesses yet left unsettled, and he knew of no one good reason why they should be put off till another session. This, Mr. Fox acknowledged he had only said by the way, and not as connected with the question before the House, upon which, if it were necessary that the proposed Committee should go into the examination of evidence from Scotland, he believed the season might be too far advanced for that purpose, when he considered the inconvenience which might attend it. He would therefore propose, that his honourable friend should adopt the mode he had mentioned, and could not suppose that there would be any opposition from any part of the House to come to such resolutions as would bring the business to some decision early in the next session. He therefore moved, as an amendment, that the words "early in next session" stand part of the motion.

Mr. Sheridan.

Mr. *Sheridan* agreed to the amendment, but thought it necessary to make some reply to several things that had been said in the course of the debate. He could not help saying, that he thought his honourable and learned friend (Mr. Anstruther) had rather treated him harshly in ascribing to him motives for delay, which he begged leave entirely to disclaim. The honourable and learned gentleman had said, that the first part of his speech had been an apology for these delays; now he neither had made, nor meant to make any apology on that point, although he thought it necessary, and no more than his duty, and his wish, to explain to the House the different causes that had occasioned those delays, which it was not necessary for him to recapitulate a second time. He could not avoid, Mr. Sheridan said, taking notice of what the honourable and learned gentleman had said, about his stating, in his former speech, his belief that he would have the sup-

port

port of the right honourable gentleman opposite to him, because that right honourable gentleman had been anxious for a parliamentary reform, and that he had wished, as it were, to keep the right honourable gentleman to a bargain on that point. In answer to this he would say, that the honourable and learned gentleman seemed not only to recollect for himself what had formerly been done in this business, but to recollect for the honourable gentleman opposite to him likewise. And, Mr. Sheridan contended, that those who wished for a parliamentary reform, must, agreeable to consistency, be friends to the present proposition which he had the honour to bring forward this night. He said, he must here disavow the charge that was brought against him by the right honourable gentleman, of having, at this time, taken the House by surprise, by the notice which he had given of this motion a few days ago. On this point he had already given, he trusted, sufficient reason for the delays in former years, and likewise why he was so long in bringing it on this session; but certainly nobody could think from that, that he had abandoned the subject entirely, if they did, they were very much mistaken; and he begged to recall to the right honourable gentleman's recollection, that it was upon his suggestion that he had dispensed with the second reading of the bill last year, in order that there might be time and opportunity given to state the specific grievances, and propose a suitable remedy, because it certainly was proper that enquiry should precede reform.

Now the right honourable gentleman must allow, that the inquiry had been made; he trusted, therefore, that he could not refuse granting the remedy applied for. Mr. Sheridan said, he agreed perfectly with the right honourable gentleman, that a decision was necessary, and he was anxious that it might be had as speedily as possible. He contended that the application of these burghs was certainly so far connected with parliamentary reform, in as much as they complained of the self election of the Magistrates. In this and other grievances, however, his honourable and learned friend contended, that they had no right to complain, because all the English burghs were in the same situation; but this he denied, because whatever was the charter of English burghs, or the sets of Scotch burghs, the English could not act against the spirit and essence of their charters, but the Scotch had done so very often. After what had been said at different times in that House, it would be needless for him to detain the House with a minute detail of all the grievances which were complained of; and he hoped, if it were, as the honourable and learned gentleman had stated, that the English burghs were in the same situation, it would not be admitted

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as a just argument, that abuse ought to continue in any other place, because it existed in London. In his opinion there ought to be no power of abuse without a power of remedy, which seemed to be the present state of the Royal burghs of Scotland. Mr. Sheridan came next to make some remarks upon the arbitrary power and conduct of the convention of burghs, which sits annually at Edinburgh. Upon an application and complaint made to them by respectable inhabitants of a burgh, to enquire into some conduct of their Magistrates, which was thought to be improper and against the interests of the burgh, this convention took the matter into their consideration, and stated, that to promote the harmony, good will, and tranquillity, as well as the peace and good order of the burgh, they had given what they called the following *decreet arbitral*; which was a sentence, " That the burgesses, deacons, &c. have no right to hold " meetings, to confer, or treat upon subjects of this sort." By treating, it was not meant, entertaining, as canvassing at an election, but merely arguing upon matters respecting the burghs; and in this manner they discharged and forbid all such complaints, and declared the rights of the burgesses in that part of the kingdom, on matters in which no one could deny that their interests were materially concerned. Such, Mr. Sheridan said, they found to be the liberal free cess of one burgh, agreeable to their present constitution, or rather according to the interpretation which the convention gave to that constitution. Another cess which some boroughs enjoyed, no doubt, for the same purpose of promoting harmony, peace, and good order amongst the inhabitants, was of a nature that prevented certain degrees of consanguinity, such as fathers and sons, brothers, and so on, from holding offices in the Magistracy; a circumstance, the wisdom and propriety of which he did not mean to enter upon at this time.

Mr. Anstruther. Mr. *Anstruther* explained. He said, he never meant to impute any motives of delay to his honourable friend, nor did he believe the delays that had happened were owing to him. He was still of the same opinion as to the support which might have been expected from the right honourable gentleman over the way; and he did not think that there had yet been any proof that those many grievances complained of did really exist. His principal objection, after all, was the variety of shapes which this business assumed; sometimes they were for one thing, sometimes for another; and if ever they attempted to introduce popular election, he would always oppose such attempts as highly improper and dangerous.

Mr.

Mr. Sheridan's original motion was then put, and negatived. After which, he adopted Mr. Fox's amendment, and moved,

"That the House will early in the next session of Parliament take into consideration the matter of the petitions, and other papers presented to the House in the last Parliament, relating to the internal Government of the Royal burghs of Scotland."

Mr. Erskine seconded Mr. Sheridan's motion, which was agreed to, nem con.

Mr. Loveden.

Mr. *Loveden* then rose, and in pursuance of the notice he had given the other day, requested the attention of the House to a very important object, to an object highly interesting to the honour and justice of the nation. He said, he meant the trial of Mr Hastings, which had attracted the notice not only of this country, but of all Europe. The trial had already proceeded to a most extraordinary length He would not enter at all, he said, into a consideration of the merits or demerits of Mr. Hastings, but confine himself solely to the delay that had taken place, without arguing how the delay had happened; there had been delays, it must be acknowledged, in the trial, not to be found in the history of the world Mr. Hastings had been on his trial nearly four years, and unless that House interposed, and addressed His Majesty not to prorogue the Parliament before judgement was given, another prorogation would probably take place, before the trial was brought to a conclusion. Mr. Loveden remarked on the injury done to Mr Hastings, and through him the wound that would be given to the constitution by farther delay, if it could possibly be avoided. In referring to that great charter of our liberties, the 29th chapter of Magna Charta, he found these applicable words, *Nulli vendemus, nulli negabimus, nulli differemus justitiam*. "We will sell justice to no one, nor will we delay it" He declared, he meant no reflection on the Managers, nor to impute to any individuals whatever the cause of the delays that had already occurred; neither would he say that some farther delay might not be unavoidable; but it was his duty, in common with every Member of that House, to watch over, and prevent the honour and justice of the nation from being wounded; and he must say, that any farther delay, which could be avoided, would be dangerous to the constitution, as it would shake its best bulwark, the right in that House to bring delinquents to trial by impeachment. It appeared to him that they would have gained but little by the decision of the question, "that the impeachment did not abate by the dissolution of Parliament," if the decision were to be followed by a procrastination of the trial to another session. Mr. Hastings would then

have a right to say, that the principles of the constitution were broken, in order to oppress and injure him. It was, Mr. Loveden said, his intention the other day to have stated the grounds of his motion in a more regular form, but the House having been impatient for other business, he was obliged to content himself with merely giving notice of the motion with which he should conclude, and it was,

"That an humble address be presented to His Majesty, "to represent to His Majesty that Warren Hastings Esq, "late Governor General of Bengal, is now on his trial "upon articles of impeachment exhibited against him by the "Commons of Great Britain. That by reason of several "prorogations, and a dissolution of Parliament, the trial "hath already lasted four years, but is now on the part of "the prosecution nearly finished. To the end, therefore, "that as speedy justice may be obtained, as the nature of the "case will admit, His Majesty's faithful Commons, anxi-"ous to discharge their duty, according to the true princi-"ples of the constitution, beg leave to express their hopes, "that no farther interruption may take place in the said "proceedings on the said trial, and that His Majesty will be "graciously pleased to continue this session of Parliament "until the evidence on the part of the said prosecution shall "be finally closed, and Mr. Hastings's defence hath been "heard, and judgement given."

Mr. Dundas.

Mr *Dundas* said, he was anxious to speak early to the motion, because, perhaps, he might feel differently on the subject from any of those who had been concerned in the trial; they who had acted as managers of the impeachment might feel themselves compelled, from motives of delicacy, to give way to the motion, and yield to the proposed address whereas, not having been in any such situation, it was fairly open to him to pursue a very different line of conduct, and to state his reasons for giving the motion his negative The motion, he said, was neither more nor less than this, it was to let Parliament continue as long as the managers, the House of Lords, and Mr. Hastings thought proper; in other words, it was precisely a motion to abrogate the King's prerogative, and delegate it to a number of persons, leaving it to the discretion of the managers whether they chose to lengthen or shorten the trial. Not, he said, that he meant to impute to the managers, that they wished to do any such thing; on the contrary, he was satisfied they would use every means in their power, consistent with the ends of substantial justice, to bring the trial to as speedy a conclusion as possible. Mr. Dundas begged the House to recollect, that a great constitutional question relative to the continuance of the impeachment, had undergone

a very long and deliberate discussion early in the session, in which he had the misfortune to differ, though he had been supported in argument by a very great majority of that House, with many honourable gentlemen for whose opinion he at all times entertained a considerable degree of respect. One principal argument much relied on in the course of that important discussion had been, that to assert that the King, by the use of his prerogative to dissolve the Parliament, could put an end to an impeachment before it was brought to its conclusion, was a dangerous proposition, and a proposition fundamentally destructive of the rights of that House. At the same time it was insisted, that in proportion as that House were constitutionally entitled to the full exercise of their own rights, so ought the King's prerogatives to remain undisturbed and unquestioned. Neither were they to lose their rights, nor was the King to be deprived of the prerogative which was invested in him by the constitution of the country, viz. the prerogative to prorogue or dissolve the Parliament, whenever it should be his Royal will and pleasure so to do. Having stated thus much, Mr. Dundas said, it would be easy to trace the analogy between that argument and the present case. By the motion then before them, they were called on to address the King, for the purpose of telling him that he was not to use his prerogative, but that he had better delegate the exercise of it to the House of Lords, as Judges on the trial of Mr. Hastings; to that House, as his accusors and prosecutors; and to Mr. Hastings the defendant. Mr. Dundas reasoned on the enormity of this proposition, and said, if given into, the House would incur this dilemma, they would not only in one session have insisted on the full and free exercise of their own rights, but they would also have completely turned the tables on the Crown, and have assumed and taken into their own hands, the exercise of the Royal prerogative, and in an indirect manner bar the King from the exercise of his own prerogative, which would be a gross infraction of the constitution, according to the spirit of which their rights, and the King's prerogative, should go hand in hand together. Nor was this great constitutional consideration, he said, all that weighed with him; there were other reasons of little less importance. How was he or any man to say to what farther period of time the trial would extend? He had heard that the evidence on the part of the prosecution would be finished on Monday; but how was he to be sure that it would? It had been interrupted that day, and might be interrupted again. There were other circumstances also which no human foresight could reach; in the first place, could any man in that House, let him be ever so nearly or intimately connected with Mr. Hastings, tell what time

Mr. Hastings would take to make his defence? Could Mr. Hastings himself tell? There were many circumstances possible to occur which Mr. Hastings could not controul. His witnesses, if he called any in support of his defence, might be cross examined by the managers, and could Mr. Hastings tell to what length that cross examination might go? And when Mr. Hastings's defence was made, the managers might chuse to reply, which also might take up much time. It was therefore impossible for that House to be aware whether there was a probability of bringing the trial to a conclusion in the present session of Parliament, let that session be protracted as long as could be expected. Besides, let gentlemen recollect that there were other subjects, which were also highly important, that demanded the justice of the country; and for the sake of Mr. Hastings's trial going on from day to day, would they wish the Judges to leave their Courts, and suspend all other suits now pending? If they continued the trial much longer, and it was evident no person could ascertain any limits to it in duration of time, it would interfere with the circuits, and interrupt the course of the civil and criminal proceedings of justice, from one end of the country to the other. Mr. Dundas said, he presumed Mr. Hastings meant to have his cause determined by a fair judgement of his Peers; and did he wish that he might be tried by a few Members of Parliament, and to have only a few Judges to hear his defence, and to decide upon it? And yet, if the trial were pursued much longer, this must inevitably be the case, and ultimately, after contracting the session most unconscionably, there would be a very few Members of that House, perhaps barely enow to constitute a House, to demand judgement of the Lords, and to receive either the condemnation or acquittal of the prisoner. Mr. Dundas having reasoned upon this probable issue of the trial, if the present address were acceded to, and His Majesty should be inclined to bend his prerogative to their requisition, said, it would not only be in the highest degree disgraceful to both Houses of Parliament, but extremely disgraceful to Mr. Hastings himself. In the course of his speech, Mr. Dundas passed some very handsome compliments to the Managers, declaring, that no man could question their having faithfully discharged the high and important trust that House had put into their hands, with a degree of diligence, attention, and ability, that did them so much honour, and reflected so much credit on the House, in whose behalf they acted as managers of the impeachment.

Maj. Scott. Major *Scott* insisted on the unprecedented length of the trial. After saying that he knew not how to say what occurred to him without some risque of encroaching upon the

the orders of the House, and the regularity of the debate, he proceeded to observe, that with regard to the impeachment it did most undoubtedly violate every principle of the British constitution; a fact of which he was confident the country would soon be sensible, as that House had lately been of some others, which he had for some time repeated without effect. Not only did Magna Charta state that justice was not to be delayed, but there was an express resolution of the House of Commons stating, "That it was the right of every British "subject under accusation, whether by impeachment or "otherwise, to be brought to speedy trial, in order to be "acquitted or condemned." To suppose a speedy trial, without that trial being brought to a close, was absolute absurdity. The delay in this trial, the Major said, had been imputed to various causes; he had his own opinion upon that subject; but the first and serious cause of the delay originated in the articles themselves, which were such, he would be bound to prove, as never were presented, and passed under circumstances which he hoped could never happen again

The right honourable gentleman (Mr. Dundas) had now presented four India budgets, and unless all he said, and all the resolutions which he moved, were grossly and palpably false, nineteen parts at least out of twenty of the articles of impeachment, were utterly unfounded. This was a fact of a very serious nature, and would tend more to bring impeachments into utter disgrace in future, than any circumstance that ever happened. The fact, he said, was most notorious, that the gentleman who first moved this impeachment, did it upon an idea, at least he so affirmed, that the provinces under Mr. Hastings were desolated and ruined; yet it was now notorious that not one word of his description of Bengal was founded in fact. The Board of Control had fully disproved his assertions, and at once destroyed any of the ground upon which the impeachment ought to have rest[illegible] of all this mass of crimination was gone; of what remained was there an instance in the history of this country, of articles so voted? The first, Benares, contained thirty-nine criminal facts, upon all these, one question, and only one, was put, though the Minister of the country, possessing great weight and influence in the House, had expressly declared, that in one point only, was there criminality; so of all the others; and if his ideas had been adopted, if he had fairly at least put the question upon each, the articles might have been, what he once said they ought to be, short, specific, and pointed. [Here Mr. Vyner called Major Scott to order, who said he had, at setting out, expressed his doubts whether his remarks would strictly apply as to the delay.] Major Scott

said

said it was an act of grievous oppression to Mr. Hastings, and of the grossest injustice to the country, which had already paid above forty-five thousand pounds for this trial; a sum that gentlemen would have been startled at, had it not been kept back, and a very small sum only been charged the first year. The right honourable gentleman asked if any man could say how long Mr. Hastings might take for his defence; was that the objection to the motion? If it was, he would obviate it, by stating something specific upon that point. The prosecution was near a close. In fact, more had been done now in three days than in two years before; for in these three days the managers had gone through four articles in fact, though all comprized in one, and were, as he understood, upon the last piece of evidence they had, when the Court rose that day, and as for Mr. Hastings's defence, he would take upon him to say that gentleman would prefer a speedy issue of the trial, to the opportunity of making as full a defence, as it was in his power to make.

Mr. Burke.

Mr. *Burke* rose, and premised what he had to say with observing, that he should trouble them with a very few words on the subject. He should first, he said, ask, did it suit the dignity of that House to stipulate with a miserable man that his defence should be so lame, weak and deficient, that it might be the means of his conviction? He must own, that he did not think, their addressing the King, and humbly desiring His Majesty not to porogue the Parliament, pending the discussion of great and important questions, was any infringement on the Royal prerogative of the Crown; yet he thought the House would not wantonly present such an address. The only question in such cases was, whether the object of Parliament was equal to such an interference with the undoubted prerogative of the Crown. The House would therefore at all times take care to have a strong ground before they would make such an application; and the only question then was, whether this was one of those strong cases that either justified or required such an application? On the part of the Managers he would undertake to say, there was no motives of personal ease, no consideration of their own satisfaction, nor any other personal consideration, that could prevent them from a constant, incessant, uniform, and diligent attention on their public duty. If one day of procrastination in the conduct of the Managers, could be proved, it would be shameful in the House not to take proper notice of it. But he was certain the conduct of the Managers would stand the test of the most scrupulous examination. Mr. Burke, in continuation, said, that no one ought to argue on the justice of that

House

House hypothetically, because that House had no hypothesis in it. As accusers and prosecutors, they were bound to hold Mr Hasting guilty till his Judges acquitted him, or else they confessed themselves to be the wilful and malicious accusers of an innocent man The honourable gentleman, Mr. Burke said, who had made the motion, had introduced a certain portion of Magna Charta, *nulli vendemus*, &c. The honourable gentleman had done more; he had been so good as to translate it for them. Was it, he asked, the Magna Charta of King John, of Henry the Third, or of Oliver Cromwell? He said, it was unnecessary to translate the Latin of Magna Charta, because though unclassical and inelegant, it was so much like English, and so superior in meaning to its quality, that it was engraven on the hearts of Englishmen. It was even understood by those who had scarcely a scrap of other Latin; by those who had not got so far in their grammar as Mars, Bacchus, Apollo, Virorum. Magna Charta assured them that justice should be done sooner or later. Did the honourable gentleman who had made this motion, asked Mr Burke, know this trial? Did it come within the scale of the honourable gentleman's comprehension? Did he know the length and breadth, and likewise the depth and extent of it? If he did, let him get up and say whether there had been any delay whatever on the part of the Managers. If it were to be tried, it must be tried according to the nature and circumstances of the case. Here Mr Burke went into an exclamation of the infinite and unexampled magnitude and importance of the trial; a trial for the failure of protection of millions of inhabitants of countries, of states, and empires, who were not dreamt of when Rufus built his hall, or whoever it was that built it. William Rufus and his coadjutors consequently could not have entertained an idea that a cause of such singular and unparalleled importance would have been tried in Westminster Hall. The intention of the trial was for the ends of public justice, and to prevent the subjects of this country from oppressing thirty millions of our fellow creatures. If it had been declared by Magna Charta, Mr. Burke said, God and nature had said it. They had ordained by the unalterable rules of right, that offences must be tried and punished, according to their circumstances and their nature. Why give the Governor General 25,000l. per annum, and titles and prerogatives which they did not give to the Crown of Great Britain itself but that it should be attended with a proportionable degree of responsibility?

The Speaker.

The *Speaker* here said, it was with great reluctance that he submitted to the House, and the right honourable gentleman

man himself, whether the right honourable gentleman was adhering to the terms of the motion?

Mr. Burke bowed in obedience to the authority of the Chair, and that he might not offend again, wished the motion to be read.

The Speaker read the words of the motion.

Mr. Burke — Mr. *Burke* then said, that he certainly had hitherto endeavoured to adhere to the motion, and when he was interrupted, he was humbly endeavouring to give his poor reasons for shewing that the continuance of the trial for four years, was no reason for the present motion. But as that House had been scandalized, he thought he ought to give an answer to the honourable gentleman, who had imagined that there had been delay, contrary to the principles of Magna Charta, which was no other than a declaration of original justice. Every trial, Mr. Burke said, must be measured by the importance of the subject; and if the Lords and Commons were locked up, as the juries of the inferior Courts in Westminster Hall were, without candle or fire, and prevented from eating and drinking till they had given their verdict, the consequence would be, they would be guilty of complete injustice. Having said this, Mr. Burke said, he should say no more of delay. He next gave a short narrative of the proceedings in Westminster Hall during the last three days of the trial. Such a trial, he said, was necessarily and unavoidably liable to delay. There was no such thing as measuring out an exact space of time for it. The Managers had done every thing in their power to shorten it. With regard to the hardships of Mr. Hastings, Mr. Burke considered, that if he were in his place he should feel if he had been three years on his trial; and if his trial was protracted till there was no one persecutor, Judge, or spectator, left, he should consider this to be disgraceful to himself as well as to the country; because every man accused of great charges would wish his audience to be as full at the end as at the beginning of his trial. This, Mr. Burke said, was his opinion with regard to the sufferings of Mr. Hastings, and he hoped he felt as much as any man for the sufferings of others.

Mr. Vyner — Mr. *Vyner* here spoke to order. He said, he had called the honourable gentleman who spoke last to order, and he submitted it to the House, whether the right honourable gentleman that was now speaking, was adhering to the terms of the motion. The motion, he said, had nothing to do with the conduct of Mr. Hastings.

The Speaker. — The *Speaker* said, he was sure the right honourable gentleman was obliged to the honourable gentleman for having interrupted him; and the House must be obliged to every gentleman who assisted in endeavouring to preserve order. He

would

would tell the right honourable gentleman, the Speaker said, in what he was irregular. It was perfectly competent to the right honourable gentleman to justify the Managers from any imputation, and which no man could cast upon them without reflecting on the honour of that House; yet if he went into the conduct of Mr Hastings, and anticipated the nature of his defence, he took it, the House would feel that such references were irregular.

Mr.Burke

Mr *Burke* said, when he laid down any general principle, he endeavoured to fortify it with some proofs. He begged pardon if he had been wrong. He had been endeavouring, he said, to shew that the Managers had been guilty of no delay, and that if there had been any delay, it had proceeded from the prisoner himself. With regard to compassion (for a case of compassion had been attempted to be set up) he trusted he was as ready as any other man to feel for the distresses of his fellow creatures. Mr. Burke declared, he did not yet know on what side he should vote. If he were to vote for his own ease, he said, he should vote for the address.

Mr. Lovedeu.

Mr. *Loveden* shortly explained, and said, it was not his intention to arraign any man or body of men. He had stated, that one great cause of delay arose from the prorogations and dissolution. He did not mean to say these were unnecessary or improper, but he feared they would wound and weaken that great bulwark of our constitution, the right of the Commons to trial by impeachment.

Major Scott explained.

General Smith.

General *Smith* (who had risen while Mr. Burke was on his legs, and to whom Mr. Burke had said a word or two), said he did not know whether the right honourable gentleman had alluded to him when he got up, but he thought it right to explain himself. He reminded the House, that he had been chairman of the select Committee, that had brought forward those charges which constituted the articles of impeachment. He was therefore perfectly aware of their magnitude; but he could not sit silent and hear such harsh-sounding epithets of Indian delinquency, Indian peculation, and Indian corruption, applied so generally, to the calumny of many deserving officers, and others. The General declared, he believed there were men who had served their country as well in the East Indies as in any other part of the globe, and whose merits ought not to be sunk, and their characters injured by general indiscriminate aspersion.

Mr.Burke

Mr. *Burke* said, being called on by an old colleague, he rose to explain. The honourable General, who was a man of great merit undoubtedly, and had served his country well, both abroad and at home, in that House especially, by bringing forward a great body of matter of India evidence, in

two voluminous reports, was guilty, if he was guilty, of scandalizing all who had served in India. Mr. Burke would not admit, that the talking of Indian delinquency in a general manner, was at all censurable. If it was, how happened it that his honourable friend next him (Mr. Francis) had not risen and stated that he had libelled him? Mr. Burke said, he often in that House talked of parliamentary corruption, borough corruption, and ministerial corruption, and no man thought illiberally or unfairly. Did his honourable accessary in guilt, (if guilt there was any, in collecting proofs of peculation and charging them on individuals), mean to say that there was no such thing as India corruption?

Mr. Fox. Mr. *Fox*, as soon as Mr. Burke sat down, rose, and said, he was sorry to protract the debate, but as he should certainly vote for the address, he could not consent to give a silent vote for it, but must wish to assign his reasons why he should do so. In the first place, he said, he must differ entirely from the right honourable and learned gentleman over the way, in that part of his argument, which related to the Royal prerogative, and declare, that he did not think the House of Commons, taking upon itself to advise the Crown upon great and fitting occasions, with regard to the exercise of any one of the Royal prerogatives, was an unconstitutional interference in that House; and as a proof that he had always thought as he did then think, that the House had a right to advise the King as to the use of his prerogative to prorogue or dissolve the Parliament, Mr. Fox said, in the year 1778, and in 1779, he had moved and voted for several addresses, desiring His Majesty to suspend his prerogative upon the subject of that most important prerogative, the making of peace and declaring war; but he had been unsuccessful; in 1783, however, he had more successfully, as to the motion, voted for an address, the same in effect as the former addresses, though not equally fortunate as to event. Indeed, Mr. Fox said, he could not foresee any possible case that could arise for that House to address His Majesty, (and he recollected having voted with a minority of 200 or 250), when (having previously voted that the influence of the Crown had encreased) they addressed His Majesty, and begged him not to porogue the Parliament till they should have passed certain bills for the purpose of diminishing that influence. It was true, Mr. Fox said, there had been a majority against that motion, but he was one of those who did not think those arguments which had been used against the motion had any great weight in them, nor could arguments of the general impropriety of interfering with the prerogative,

tive, have any great weight in them, when the occasion for such interference was seriously important and pressing.

Having said this, Mr. Fox proceeded more particularly to speak to the present question. He said, he could not agree with the right honourable gentleman on the same bench with him, that the motion contained any expression tending towards, or which could be fairly construed to be an imputation on the Managers; and one reason why it was impossible that any such imputation was designed, was, because, if blame were due to them, it was more due to the House, of which they acted in this prosecution as the representatives; and it was to be considered that they represented that House at the bar of the House of Lords, not as they represented the people in Parliament, but in a very different point of view. As representatives of the people, they could act contrary to the opinion of the people, if they thought it right so to act; but as representatives of that House, they were obliged to be confined to their instructions. Nor was that all; the House thought it not only necessary to attend the trial themselves, and thus be witness of the conduct of their Managers, but did what in his opinion was a disgrace to the House, they received petitions from without doors, stating any part of the Managers conduct to be objectionable. If therefore the Managers had been guilty of any error, neglect, or delay, he conceived the House would have taken notice of the matter, or they would have heard of it in consequence of an application, or applications, from without doors. Neither having been the case, it was fair to conclude that they had been guilty of no such error.

Mr. Fox said, he was far from wishing to say any thing that should seem hostile to the honourable and learned gentleman, who had so ably and fairly opened the opposition to the address then moved; he was too sensible of the advantages he and the rest of the Managers had derived from the direct, manly, and powerful support which the honourable and learned gentleman had given them throughout the prosecution, and more especially from his having in so masterly and constitutional a manner stated his sentiments on the important question, whether the impeachment did or did not continue, notwithstanding a dissolution of Parliament, to be in the least desirous of appearing to act from party feelings in what he was about to say; but he must declare that he should have voted for the address if there had been no impeachment pending, because there was no circumstance in the history of this country that made it more dangerous to have a speedy prorogation of Parliament, than the present state of politics; that consideration, he was ready to admit, gave a *bias*, as it were, to his mind, and led him to give way

to the present address, because he thought it would be detrimental to the interests of the country for Parliament to be prorogued, before they received the answer from the Court of Petersburgh.

Having said thus much, Mr. Fox declared, he joined with the honourable gentleman who moved the address, in thinking that it was to be lamented that any delay had existed; and no one could regret it more than those who were immediately concerned in the impeachment. They were, Mr. Fox said, completely the servants of the House, and acted at their will for the reasons he had already stated; he trusted, however, that the Managers had not caused that delay. He was sure, that the House had not, and he did not know that the Lords had; because, if they acted with more delay than the due attention to the rest of the public business on their parts required, he presumed, on a proper application to them upon the subject, they would have endeavoured to correct their error. If the motion glanced at any one, it was not at the Managers, Mr. Fox said, but at the minority of the House of Commons, and of the House of Lords, who voted the question of abatement. Not that he meant to blame that minority of the two Houses; he had no doubt that they acted in a manner which they thought their duty required, and stood upon what they conceived to be the law of Parliament and the law of the constitution. The House, however, had decided that their opinions were erroneous; but that did not alter the fact, that they, who had thought the trial was at an end, had, in effect, added considerably to its protraction, by endeavouring to abridge it altogether. The Lords had taken a considerable time to search precedents, and had since taken much time also to deliberate on them; all this was unfortunate for Mr. Hastings, but it had been unavoidable With regard to the impossibility of ascertaining the duration of the trial, as far as remained to be gone through, Mr. Fox declared, he felt the whole force of what had been said by the right honourable gentleman opposite to him, and by the right honourable gentleman on the same bench with him, and agreed with them that it was impossible to say how much longer it would be, before it could be brought to a conclusion; but the Managers would, he hoped, finish giving their evidence sufficiently early for them to sum up the whole evidence on the charge on that day, or on Wednesday; but could he, could any Manager, could the private and confidential friend of Mr. Hastings, say how long his defence would take? To that defence the Managers would have to reply, and the nature of the reply must be measured by the nature of the defence; there might be occasion to call new witnesses to refute and repel facts stated

stated in the defence; or there might be no occasion to do more than make a single speech in answer to the defence. All depended on circumstances that could not be foreseen.

Mr. Fox said, he had no ground to guide him in regard to Mr. Hastings's defence, but even if he heard from the best authority what its length probably would be, he owned, he could give no answer whatever as to the conclusion of the proceedings; because, as he had already observed, the reply must be according to the nature of the defence; he had no doubt however, that the Managers for their own sakes would be as short as possible. He could not conclude, Mr. Fox said, without remarking, that although Mr. Hastings had complained of delay, and had addressed their lordships on that subject in the Court, there seemed to be an appearance of an intentional delay on his part, and that of the counsel on his side. That very day, Mr. Fox said, the Managers had wanted to prove a particular circumstance, and they offered to produce the result of the Company's accounts to prove it, but the whole accounts were insisted on being produced. He did not mean to say that this was not perfectly legal, but the results of such accounts had repeatedly been received as sufficient evidence in the preceding part of the trial. Possibly, it might be necessary to Mr. Hastings's defence that this sort of conduct should be adopted. He took it for granted that it was, but he thought it right to state the fact. After some farther observations and arguments, Mr. Fox suggested a wish that the motion were made less definite; and recommended that instead of it, desiring His Majesty not to prorogue the session till judgement was given; it should be amended so, as do no more than to desire His Majesty not to prorogue before such further progress was made in the trial as should afford reasonable grounds of expectation, that it might be brought to a conclusion early in the next session.

Mr. Ryder.

Mr. *Ryder* said, as he had on a former occasion taken pains to have the trial brought as speedily as possible to an end, it would naturally be expected that he should not give a silent vote that day. In regard to the many reasons that had been stated against the motion, by the right honourable gentleman, and by a right honourable friend of his, he concurred intirely; for the greatest part of his right honourable friend's speech, and certainly in his mind the strongest part, had proved, that if the motion were agreed to, it would impose this disagreeable duty on His Majesty's Ministers; they must either advise His Majesty to give a direct denial to the address, and thus appear to countenance delay; or they must consent to keep Parliament sitting when it was most irksome to gentlemen to attend, and when probably there

would

would be scarcely any attendance at all. He thought, therefore, on that ground it ought not to pass. But what was the amendment which the right honourable gentleman had proposed? to leave the matter completely indefinite. Whereas the natural state of the trial, and the progress they were daily making, would answer the end, in all probability, of bringing the proceedings to a conclusion in the next session. Mr. Ryder concluded with declaring, that he objected to the original motion, because it appeared to him to do a great deal too much, and he objected to the amendment because it would do nothing at all.

Mr. Fox.

Mr. *Fox* moved his amendment, which, he said, would give a chance for concluding the trial in the present session, and therefore could not be said to do nothing. It was in the judgement of the advisers of the Crown, whether the address so amended ought to be complied with; but the House, in voting it, would do all that was in their power.

The Master of the Rolls was proceeding to state his objections both to the motion and the amendment, but the question being loudly called for, it was put on the amendment.

Mr. Fox having said it was carried,

Mr. Pitt.

Mr. Chancellor *Pitt* said it was not. As he meant to vote against the motion altogether, he could not appear to countenance it, by agreeing to the amendment.

The House divided;

For the amendment, 61; Against it, 144.

The question on the original motion was then negatived, without a division.

On the third reading of the Corn bill, a petition was presented from the stable keepers of London and Westminster against the regulations for the importation of oats.

Mr. Ald. Watson.

Mr Alderman *Watson* brought up a fresh clause for warehousing corn, imported. It differed, he said, from the clauses that had been rejected, because it provided, that the corn should be warehoused at the expence of the importer, and subject to an additional duty of two shillings a quarter, on being taken out of the warehouse.

Mr. Pelham.

Mr. *Pelham* expressed his surprise, that a clause which had been twice rejected on mature consideration, should be again introduced on the third reading of the bill. The alterations made in it did not alter the principle. Foreign corn would be poured into the kingdom at low prices from countries in which it could be raised at a much cheaper rate than in this country, under all the burdens on agriculture, to the great loss and discouragement of the British farmer. Gentlemen did not seem to consider the weight of tythe on agriculture, to which he had called the attention of the House on every

late

late corn bill, as a burden which the country could not endure many years longer.

Mr. Ryder and Mr. Alderman Curtis spoke in favour of the clause, and Mr. Harrison against it.

Sir Watkin *Lewes* supported his colleagues; and after having stated the distress it would involve the metropolis in, if the clause for warehouseing corn should be rejected, begged leave to mention a part of the kingdom with which he was a good deal connected, and that was the principality of Wales, five counties in which did not raise sufficient corn for the consumption of the inhabitants, and who were either supplied from other parts of this kingdom, or from abroad. He reminded the House, that when the clause for warehouseing corn was rejected, it created a great alarm in some very capital manufacturing towns, and they presented petitions to the House; he therefore entreated them to consider very maturely the consequence of their rejection, which might probably involve the country in disturbance and distress.

Sir Watkin Lewes

The House divided;

For the clause, 81; Against it, 51.

Some other amendments being made in the bill, it was then passed.

The order of the day for the third reading of the Sierra Leone bill being moved,

Mr. Sheridan moved the question of adjournment, as it was too late to go on with the business.

Mr. Chancellor Pitt objected, on the ground that no debate was likely to take place; but Colonel Tarleton and Mr. Gascoigne declaring their intention to oppose it, a division took place on the question of adjournment, which was negatived, 48 to 17.

Mr. *H. Thornton* observed, that although he had five times come down, expecting an opposition to the bill, he would certainly postpone it till Monday, if there was now a serious intention of opposing it, and of debating the subject.

Mr. H. Thornton

It was postponed accordingly, and the House adjourned.

Monday, 30th May.

Mr. *Sheridan* rose and moved that the notice, which stood as the order of the day, for him to move for a Committee to take into consideration the Report of the Committee of Finance, of 1786, and the Report of the Committee of 1791, might be read. The same having been read, Mr Sheridan stated, that there were certain papers to be presented that day, which it might be material for him to refer to, and therefore he thought it right to move to have the order discharged and entered for the next day. He said, he hoped he should

Mr. Sheridan

should have no occasion to refer to the papers in question, but as it was impossible for him to say beforehand whether he should or not, he would move for the discharge of the order. It was discharged accordingly, and entered for this day.

Mr. Pitt. Mr. Chancellor *Pitt*, who happened not to be in the House at the time the foregoing motion was made, but came in, just after, said, he understood the honourable gentleman opposite to him, had moved to put off the consideration of the two Reports from the Committees of Finance, till the next day. He hoped however the discussion would really be brought on this day; and as the honourable gentleman had called the attention of the House to the subject, he gave him notice, that if he moved any propositions, he should either object to them, or move amendments upon them; or perhaps, move such other propositions as would bring the whole state of the subject fairly and fully before the public.

Mr. Sheridan. Mr. *Sheridan*, in reply, said, it appeared to him to be rather premature in the right honourable gentleman to talk of objecting to his propositions, or of moving amendments, before he knew what those propositions would be. He did assure the right honourable gentleman, that he would endeavour to make it as difficult as possible to the right honourable gentleman, either to object, or move amendments upon his propositions, which would be resolutions of fact, founded upon figures, to which it would be almost impossible for the right honourable gentleman to object.

When the papers were afterwards presented, Mr. Sheridan moved to have them printed.

A short conversation then took place between the Chancellor of the Exchequer and Mr. Sheridan, on the ground of its being impossible to have all the papers printed in time for the next day. In the course of the conversation it came out, that a material point in the discussion would be the consideration of the disposal of the money voted for the finishing of Carleton House, and that Mr. Pitt had yesterday morning received a letter on the subject officially from Lord Southampton, which Mr. Sheridan wished to have laid before the House. Mr Pitt said he really had not had sufficient leisure to consider what was proper to be done with it, or what answer to send, but the honourable gentleman need not be afraid of his wishing to conceal it; since if he could have any such desire, it was not in his power to carry it into effect, as the person who sent it might furnish a copy.

The order of the day for reading the Sierra Leone bill the third time, being moved, it was accordingly read.

Mr.

Mr. Cawthorne.

Mr. *Cawthorne*, in a speech of some length, opposed the bill, which, he said, he conceived it almost impossible should pass into a law. His first objection was, that the bill authorized His Majesty to make a grant of lands which he very much doubted whether His Majesty had any right to grant; certain he was, that House had no right to interfere respecting them. He stated, that in 1787, King Tom, a superior of the district or peninsula of Sierra Leone, had been prevailed upon to grant that peninsula to certain persons which the humanity of this country had taken out of the streets of the metropolis, and sent to Sierra Leone, the same year, in the Nautilus, Captain Thompson, which grant Mr. Cawthorne desired to have read.

It was read accordingly, and appeared to be a formal grant of the lands in question to Captain Thompson, and the persons he had brought with him; and to them and their heirs for ever, and was subscribed with the mark of King Tom.

The circumstance of its being subscribed with the mark of a sovereign provoking a laugh, Mr. Cawthorne proceeded to speak of it in a jocular manner, observing that it was scarcely possible to consider either the circumstance or the bill in a serious light, or to argue the subject gravely. Were he to state all that he knew upon the subject, he said, he should conceive that the House must reject the bill. A code of laws, he observed, had been drawn up for the settlers of 1787, by that philanthropic genius Mr. Granville Sharpe; but what did the new settlers do? They plundered and attacked one another, and sold all the stores that were left with them. King Tom dying soon after he had made the grant of the peninsula, which had been read, he was succeeded by a King James; who so far from thinking himself bound by the grant of his predecessor, seized upon some of the new comers, sold them for slaves to British merchants, and drove the settlers out of the district; and they were now, as he understood, a great way up the country.

By the present bill, the House were by charters to ratify the King's giving this peninsula to the new company, in order that they might explore the hidden treasures of Africa. To that object, Mr. Cawthorne said, he had no objection; but as the river, upon which the new settlement was to be made, had been always traded to, had been open to all nations, and the African trade ships had always put in there to refit, wood and water, and to provide themselves with whatever they stood in need of, if the bill were to pass, they must be deprived of a right which they had freely exercised for years, and be subject to whatever tax the new company should think proper to impose. On these grounds of objec-

tion having dwelt for some time, Mr. Cawthorne then stated, that Parliament in the 25th of the late King had given so large a sum as 120,000l, to have the trade to Africa made free, and thrown open; which salutary measure would, he said, be entirely defeated by the present bill. He concluded with inferring from the observations which had been made, that the object of the persons interested in the bill was not what it was held out to be, but something more, that was unexplained, and therefore he declared he would oppose it.

Lord Sheffield. Lord *Sheffield* had always disapproved, he said, the bill, but in proportion to the information and knowledge he acquired of the subject, his objections to it became more forcible; he disapproved the general principle of the bill, as its object was to establish a colony. We had colonies enow; and this would be a source of expence, would prove the destruction of our people, and may probably be the means of provoking quarrels with other powers. He thought even the preamble furnished sufficient ground for rejecting the bill, being insidious and fallacious, and not holding out the real object. The bill pretended to a trade with the interior parts of Africa; yet Sierra Leone is situated on nearly the most prominent part of that quarter of the world towards the West, and the river, which is the only one on a coast of 1600 miles, is not navigable for the smallest boats above 50 miles. His Lordship observed, that the particular friends of those concerned are told, that the object of the bill was to abolish the slave trade; that the intention is to raise sugars without slaves, while others were told, that neither a colony nor exclusive privileges, nor monopoly were intended; and yet the words, "sole and absolute possession," remained in the bill. He said, he could not but consider the revival of a system of exclusive trade, piecemeal, as one of the objects of the bill, for the opening of which the public had paid upwards of 112,000l. to the African Company about 40 years ago. His Lordship concluded by animadverting on particular clauses of the bill.

Mr Thornton. Mr. *H. Thornton* said, he had waited to hear all the objections which gentleman could state against the bill, in order to save the time of the House by giving one general reply to them, and in the hope that one gentleman would answer the other. The objections which had been made to the bill, he observed, were not more numerous than contradictory of each other; and if he could have prevailed on himself to have troubled the House with such an argument, by opposing one objection to another, as they had been stated by the Counsel at the bar of the House, he could easily have shewn that more was said in favour of the bill by that learned

gentleman, than against it. Having premised this, Mr. Thornton enumerated the different grounds of objection that had been taken against the bill. When first brought in, he said, it had been objected to as a grant of country which His Majesty had no right to give. The fact was, it granted no land whatever, but enabled His Majesty to grant such land as he should hereafter possess in consequence of purchases to be made. Another objection was, that the bill was calculated to establish a monopoly. This also had been refuted, and it had been shewn, that it was no monopoly, but that it was intended to secure a set of gentlemen, who upon public spirited motives, mixed with some speculative views of commerce, were willing to venture a certain capital, from being made answerable, with their private fortunes, for more than their respective shares in the undertaking.

Another ground of opposition had arisen, from the West India merchants; and now they had to combat all these different oppositions, reinforced with new objections. It was stated, that they were about to take lands, which might involve this country in a serious quarrel with some of the European powers; the French treaty, and the consequence of infringing on the rights of foreign nations, had likewise been talked of. Mr. Thornton repeated his assertions that the bill did not enable the King to grant lands belonging to any Prince, nor did it infringe the rights of any country whatever. He admitted that Englishmen had a right to trade all arround the coast of Africa, and other nations had the same right, and were therefore precisely in the same situation that they were before. No person whatever, who had, or could be supposed to have, any particular interest in the trade, objected to the present bill. Mr. Anderson, he declared, was the only gentleman interested, or who came within that description, and Mr. Anderson did not object to it. It was a little extraordinary, Mr. Thornton observed, that on a late question, viz. the motion for an abolition of the slave trade, two of the arguments, most insisted on, had been, that nothing was to be produced in Africa but slaves, and that the West Indies could not be cultivated without slaves; and yet the present bill was objected to by some of the gentlemen who had held those arguments; they now turned the tables on the friends to abolition, and said they were going to set forward a cultivation, which ought to be checked; and opposed their attempting to effect their design by the employment of free people, as they had bound themselves not to employ slaves.

Mr. Thornton stated the bill, to be a bill calculated to give effect to the public spirit of a few gentlemen, who were willing to risque some loss, which they must necessarily ex-

pect in the outset of their undertaking, and to make a fair experiment at cultivation, where land had the misfortune not to be cultivated. Much of what Mr. Thornton said, was intended as answers to Lord Sheffield's objections. He then added some general observations on its being the interest of this country to encourage cultivation in every part of the world, and concluded with hoping, that upon a right comprehension of the real objects of his bill, the House would think it ought to pass.

Mr. Cawthorne.

Mr. *Cawthorne* rose to explain, and chiefly confirmed what he said in that part of his argument, which had gone to shew, that the bill gave the company an exclusive trade, which might prove obnoxious to France and other nations.

Sir Wm. Young.

Sir *William Young* said, when the bill had been first moved for, he had been named as one of the gentlemen to prepare it, as it was supposed he must be friendly to such proposition; and he had prevailed on the honourable gentleman who moved it, to defer the second reading of the bill till after the question of the abolition of the slave trade was disposed of, which the honourable gentleman had complied with. From the arguments which he had used upon the question of the slave trade, Sir William, declared he held himself bound to support the bill, which he did most cordially, confessing that he thought the honourable gentlemen who were concerned, were praise-worthy for the experiment. He said, he was no friend to monopolies, and he was employing a part of his fortune in endeavouring to break up one monopoly; he meant the Hudson's Bay Company. Sir William observed, that he had on a former day disclaimed the resolutions that might be come to upon the subject of the bill by the meeting of the West-India merchants, and in consequence, he said, his name had been improperly made use of, and his sentiments mistated. He explained the nature of the meetings of West-India merchants, and said they did not always meet to concur with the West-India planters. He spoke highly of the respectability of the merchants, who assembled at such meetings, and said, he bowed to their character, and he bowed to their understanding, but he could not bow to their dictates, because the West-India islands had legislatures of their own, and, as a Member of Parliament, he never would admit that any meeting here, however respectable and well informed the persons assembled at them might be, had a right to take upon themselves to speak for the legislatures of the West-India islands, or to answer what their conduct would be. Sir William suggested an amendment which he thought necessary in the bill.

Mr

Mr. *Buxton* acknowledged it gave him pleasure to see that a different mode of obtaining foreign territory had taken place, in the instance of Africa, from that which had hitherto prevailed in other quarters of the globe. The mark of a King Tom or a King Jamie subscribed to a grant, was to him infinitely more satisfactory, than the abominable and barbarous practice of seizing upon territory by driving the inhabitants from their country. Mr. Buxton said he was glad of the opportunity of declaring that, he lamented the not having being able to be in the House to give his vote, and express his abhorrence of the inhuman practice of the slave trade. Had he not been confined with illness, he should have been one of the most zealous advocates for the abolition.

Mr. Buxton.

Mr. *Burrard* considered the bill as the first step towards the civilization of Africa, and the consequent abolition of the slave trade. He defended the preamble of the bill, which, he said, had no disguise in it.

Mr. Burrard.

Mr. *Stanley* (Attorney General for the Leeward islands, and Agent for Nevis) opjected to the bill. He complained of gentlemen's taking every opportunity to introduce the poor, unfortunate, proscribed West Indians; and charged several of the speakers in the debate with having gone out of their way to talk against the slave trade. He said, the arguments he had the honour of stating, when the question of the abolition of the slave trade had been under discussion, were certainly given in a loose, deranged, and undigested shape, but they had been sincerely spoken, and founded in personal knowledge and personal experience. After four months illness he had delivered sentiments, which being founded on the information obtained and collected from private papers, was more to be depended on, than any thing to be found in speculative ideas. Mr. Stanley said, he was the first of a proscribed family which a century ago had been driven from England; and though he had now returned to spend the remainder of his days in his native country, he assured the House, that feelings of compassion for the African slaves employed in the West India plantations, glowed as warmly in his breast as in those of any gentleman who trod the floor of that House; and he would inform them, that immediately after the question of the abolition of the slave trade had been disposed of, every Agent to the islands had written to their constituents earnestly to advise them to take the first opportunity of revising their slaves laws, and ameliorate the state and condition of their slaves, telling them at the same time that it would be the only possible means of preventing the British Parliament from intermed-

Mr. Stanley.

dling

dling in a manner, neither agreeable to their wishes, nor conducive to their interests.

Mr. Stanley adverted to what Sir William Younge had said, and having commented on the argument of the honourable Bart. with whom, he said, he had enjoyed a long acquaintance, he proceeded to the immediate subject, that of the bill before the House; which he declared to be, in his mind, an act of *felo de se*, as to its own avowed purposes. He regretted that there were not more gentlemen of that profession of which he was an unworthy Member, present, to solve certain doubts which he entertained respecting the legality of some of the clauses of the bill, Mr. Stanley was here entering into a discussion of King Tom's grant, pronouncing it a circumstance that would render us the laughing stock of Europe; and questioning whether, according to the common rules of legal conveyance in this country, the district could be so conveyed; when he was informed by Mr. Thornton, that the clause he had alluded to, had been left out of the bill, which did not contain one syllable relative to King Tom or his grant. He then proceeded to speak of the settlement of 1787, and of several other pertinent points, and declared that he had before opened his mind on the subject to the honourable gentleman, and that he spoke as a Member of Parliament, and not in any private character or capacity.

Mr. J. T. Stanley.

Mr. *J. T. Stanley* rose to say a very few words. He declared he could not conceive that any objection could be entertained to the execution of a fair experiment. When the question of the abolition of the slave trade had been agitated, it had been stated that Africa could not be cultivated, and that it would yield no traffic but that of slaves; the bill under consideration aimed at something which would do away that argument, and which promised the greatest advantages, by employing the Africans at home and cultivating the country; he was amazed therefore that the merchants should make any opposition to it.

Mr. M. Montagu.

Mr. *M. Montagu* rose in support of the bill. When the question of the abolition of the slave trade was under consideration, he said, the advocates for that trade had contended, that Africa could not be cultivated; and now they took too much upon themselves, when they resisted a bill to authorize the cultivation of thirty miles only out of 12,000 leagues. Mr. Montagu observed, that the friends and supporters of the slave trade objected to the newly-intended company, as asking for an exclusive right, absolutely necessary to their object, when they themselves claimed an exclusive right to hold the African negroes in slavery.

Mr.

Mr. *Robert Thornton* ſaid, he had feelings on the ſubject, which he wiſhed to communicate to the Houſe. He wiſhed to ſupport a bill brought in, and ſo ably defended by his honourable relation, becauſe it was calculated to relieve the miſerable Africans, by opening a door to a more honourable and profitable trade, than that in ſlaves. It would tend to promote the happineſs of millions. Thoſe therefore muſt vote for it, who gave way to the dictates of conſcience, and the feelings of humanity.

Mr. R. Thornton

Mr. *Alderman Watſon* declared he would not have riſen, but for ſomething that had fallen from the honourable gentleman behind him, (Mr. J. T. Stanley.) That honourable gentleman had expreſſed his ſurpriſe that the merchants ſhould oppoſe the bill. Mr. Watſon ſaid, he knew of no merchant in or out of that Houſe who did oppoſe it. The merchants, he believed, were not againſt the paſſing of the bill, the principle of which was the cultivation of mankind, and to find a vent for our manufactures; both of them laudable objects. The gentlemen, who were ready in a moſt public ſpirited manner to riſque a part of their fortunes, deſired not to be made anſwerable for more than their reſpective ſhares. Was there any thing unreaſonable in that? undoubtedly not; the Bank and the Eaſt India Company enjoyed the ſame advantage, in common with many other public companies. He had been one, the Alderman ſaid, who voted againſt the abolition of the ſlave trade, and he had oppoſed it from motives as fair, and principles as pure, as thoſe of any gentleman who ſupported the other ſide of that queſtion. He was one alſo, who ſaid, that he did not think that the country of Africa could be cultivated; but if there were men enterprizing enough to attempt it, he thought they ought to be free to venture, and he would not oppoſe the execution of the experiment. Happy ſhould he be, if the condition of thoſe poor people could be meliorated.

Mr. Ald. Watſon.

Mr. *Hippeſley* thought that the gentlemen who ſupported the bill, were infinitely too ſanguine in their expectations. The experiment had been tried ſome years ſince, on the very ſpot; and Mr. Hippeſley obſerved, that it had been his fate (very reluctantly) to have viſited that part of the coaſt of Africa in the ſame year, when not one of ten of the perſons landed there with a view to form the ſettlement, were to be found; the mortality had been ſo great, that more than three fourths had died within the year, and the reſt had emigrated. A ſort of excluſive right was now ſet up, under a grant by one of the native Chiefs, called King Tom, which grant had been read, and authenticated by *His Majeſty's mark*; and an application was now made to Parliament to confirm this ceſſion. Mr. Hippeſley ſaid, that during his own ſhort

Mr. Hippeſley.

reſidence

residence at Sierra Leone, he understood that the grant of King Tom had been controverted by another Chief, who claimed the property of the soil, and that some of our settlers had been taken forcibly away by that Chief, and sold as slaves. With respect to the general and avowed principle of the bill, he should say nothing; but he thought some of the provisions of it bore hard on the private factories established on the river, and on those who frequented that part of the coast; for the recited grant, in fact, comprehended all the whole southern shore, which alone was accessible for anchoring The south bank of the river was on the declivity of a mountain, and of course had deep water immediately under it, where all the ships anchored, for the conveniency of wood and water, which were plentifully supplied from the mountains. The opposite shore was low, swampy, had no good water, and very bad anchorage, insomuch so, that the ship in which Mr. Hippesley was a passenger, had actually been lost on the sunken rocks, in keeping too near that shore. The monopoly, therefore, which was the object of the present bill, must be injurious to other traders, who, in fact, had the priority of settlement, in proportion as it was beneficial to the present adventurers.

Mr. Devaynes.

Mr. *Devaynes* believed he might venture to say there was not a finer country in the world. Few men, he conceived, had been provided with an opportunity of knowing so much of the country as he did; he had been up it to a considerable extent, and he had proofs that coffee and cotton were produced in abundance, and that sugar grew almost spontaneously. The natives, he said, would bring down forty pounds of sugar, or canes equal to produce that quantity, and sell it for twopence-halfpenny, or thereabouts: but they were particularly fond of selling it to the English, because they, in that case, got that sum, and a dram into the bargain. Mr. Devaynes farther enlarged on the fertility of the soil, and the genial nature of the climate.

At length the House divided;

Ayes, 87; Noes, 9.

The bill was then read a third time, and passed.

The House adjourned.

Tuesday, 31st May.

The order of the day being read for the House to resolve itself into a Committee of the whole House, on the bill for removing doubts respecting the rights and functions of juries in cases of libels, Mr. M. A. Taylor took the chair. The bill was read over a first time, and the question being put, "That the preamble be postponed,"

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The *Solicitor General* objected to the preamble, as being too general. He ſaid he had an amendment to propoſe, and he would take the liberty to ſtate the alteration he wiſhed to be made in the bill, in that ſtage of it. The right honourable mover, and the learned gentleman who ſeconded him, had, in his apprehenſion, introduced this bill in a manner that was extremely wiſe and proper. The complaints that had been ſtated by the right honourable mover, and by his learned friend, were with regard to the inconveniences that reſulted from the doctrine delivered by Judges to juries on trials in caſes of libel. As it was their intention, ſo it was their duty to remove that inconvenience; but the Houſe ought to think with great deliberation on the ſubject, before they ſtated a general principle of the criminal laws of England. If he underſtood the right honourable mover, and the learned gentleman who ſeconded the motion, it was, that juries had the ſame power, the ſame acknowledged power, with reſpect to the crime of making or publiſhing a libel, as they were underſtood to have with regard to any other ſpecies of fact, which the law of England had denominated a crime; and as the jury by this bill might give a general verdict, without taking the advice of the Judges in matters of law, it was his wiſh to make an alteration in the preamble: "And whereas "doubts have ariſen whether on the trial of an indictment, "or information, for the making or publiſhing any libel, it "be competent to the jury to take into their conſideration "the whole matter of the charge contained in ſuch indict-"ment or information." Mr. Solicitor, after the word "jury," propoſed to inſert theſe words, "with the aſſiſtance "and direction of the Judge in matters of law." He thought this amendment would meet the ideas of the Committee. He conceived that in the bill there was a proviſo which left the defendant in this ſituation, that he might withdraw himſelf from the juriſdiction of the jury. The matter of the libel muſt be ſtated in the information, and the defendant might ſay, "I will not call on the jury to determine any thing, "but I rather wiſh to apply to the Court by demurrer, whe-"ther the matter charged againſt me, is, or is not, in law, "a libel." If he choſe to go to the jury, and they pronounced him guilty, the jury would have done nothing, becauſe the defendant had an opportunity to come again to the Court, and to aſk the Court this queſtion; though the jury had ſaid he was guilty, he had a right to aſk the Court whether in point of law he was guilty? and he had a right to go to the laſt reſort, the Houſe of Lords. Mr. Solicitor conceived this to be one reaſon why the preamble ſhould not ſtand as it did. Although libels might be put on the level with all other criminal caſes, yet it was impoſſible to put all

Solicitor General.

other criminal cases on the same level with libels, and therefore, he conceived it would be better to leave out of the preamble any thing respecting other criminal cases. There were some other crimes where the whole matter might appear on the face of the indictment, and in those cases the defendant had an opportunity of taking the opinion of the Court, whether the jury had decided rightly. But it must, he said, occur to every man near him, that there were a number of cases, in which, if the jury took upon themselves the jurisdiction to decide both on the law and the fact, and found a defendant guilty, this might be the case. Suppose, for instance, said Sir John, the case of murder, in which the evidence proved that the facts did not constitute the crime of murder, and that the defendant, in point of law, ought to be acquitted, a case, however, might happen, in which the jury might say, we will not acquit him, but find him guilty; there was then no other remedy but that of applying to His Majesty, as the fountain of mercy. He said, he had mentioned these things principally with a view to shew why he wished to make an amendment in this bill. In order to demonstrate that great respect ought to be paid to the direction of the Judge, in a point of law, Mr. Solicitor said, he would refer to some of the greatest ornaments of the law. Here, in confirmation of this position, he read a long passage from Mr. Justice Foster, and supported his arguments by the authorities of Lord Hale and Lord Kaims. He said he had his doubts whether, after the bill passed, it would be necessary to set forth the whole libel on the record. These were the remarks that had occurred to him, and if they were worth any thing they would be attended to, and if not, he did not wish that any notice should be taken of them.

Mr. Fox

Mr. *Fox*, in support of his bill, said, he was persuaded there was much more difficulty in wording a bill of this sort, than many gentlemen imagined; and therefore he was obliged to the honourable and learned gentleman, and to any other Member, who could give him such assistance as might tend to render the bill as perfect as possible. He conceived the grievance in the present state to be such, as would undoubtedly have induced him to have waved all discussion of what was law, and to have left that completely in doubt, rather than lose the benefit of the other part of the bill. There were, he thought, three or four shades of this business. He conceived that juries had a right to decide on the intention, for the intention was matter of fact. The difference between murder and manslaughter had been held to be matter of law. Another thing was the tendency and effect of a libel, which Mr. Fox said he conceived to be as nearly matter of fact as possible. The construction of a will, of a settlement,

ment, of a deed, or of any legal instrument, was certainly matter of law, but the question whether such a libel had or had not such a tendency, was merely matter of fact, and yet some had conceived it to be matter of law. With regard to murder, he owned he had always felt considerable difficulty in deciding on that point. The opinions of eminent Lawyers had always great weight with him; they had probably settled the point in a way that was just and proper. It had always appeared to him that besides the naked facts, and abstract law, as applied to those facts, there was something between them which he could call by no other name than the application of law to those facts; and there was a question sometimes mixed of law and fact, and that question must go to the jury. He thought it was safer not to distinguish between fact and law but that the whole should go to the jury. It was possible that the Judge might maintain that to be matter of law which the jury might conceive, or the counsel for the defendant contend, to be matter of fact. He conceived it to be universal in all trials by jury, for the Judge to give his opinion and advice with regard not only to the law, but sometimes also with regard to the fact; and he had no sort of apprehension that the passing of the bill would tend to prevent the Judge from giving that advice and assistance which his superior learning and information enabled him to bestow. He wished the bill should stand as it then did, and that the whole matter might be referred to the jury. It was very different from murder, because in that case nothing appeared on the record. Mr. Fox said, he conceived that notwithstanding Lord Mansfield's declaration, that in threatning letters the jury had only to consider the publication, and, whatever might be the case in high treason, yet in all cases of libels they must be set forth *verbatim*. It must be left in all cases to a jury to infer the guilt of men, and an English subject could not lose his life but by a judgement of his Peers. Mr. Fox took occasion to mention the case of high treason, and overt-acts of treason. He should, he said, be very glad to accept the words of the honourable and learned gentleman, "with the assistance and under the direction of the Judge in "matters of law," were those words not to create another difficulty, and tend to keep up the old quarrel in another shape; and instead of disputing what was the province of the Judge, as distinct from the province of the jury, a dispute would arise about what was law and what was fact. He did not know any offence that could be tried without the assistance and direction of the Judge; and this bill, Mr. Fox said, was only to put the case of libels on a footing with all other criminal cases; he conceived, therefore, that the words

which had been propofed by the honourable and learned gentleman were entirely ufelefs, and mere furplufage.

Mr. Erfkine. Mr. *Erfkine* objected to the amendment as fubverfive of all the advantages which were propofed from the bill. If adopted, it would renew all thofe doubts and difficulties, which had formerly been the fource of fo much grievance and complaint, and which were now the objects of remedy. He went on in a fpeech of much length and ingenuity, in which he had occafion to difplay his extent of legal information, in order to prove the bad confequences which would refult from adopting the amendment.

Mr. Bearcroft. Mr *Bearcroft* faid, it was generally acknowledged that there was fomething defective in the prefent fyftem which fubfifted with regard to libels; and he concurred in the neceffity of applying fome remedy. This defect, he believed, arofe from the foul mixture which had taken place in the cafe of libels of political opinion, which ought always to be kept feparate from the decifions of a Court of Juftice. A very few words, he conceived, were neceffary to reconcile the differences of fentiment which were entertained on the prefent fubject. Refpect was certainly due to the opinion of Judges on the queftion of law. But it was only neceffary for them in the cafe of libel, after having given their inftructions, to fay, "Gentlemen of the jury, do upon this, as upon all "other occafions. Give the verdict as you pleafe, arrange "it in any of thofe claffes which we have enumerated and "explained, except you fhould find neceffary to bring in a "fpecial verdict. Hearken to what we have now delivered, "but follow it only as, upon confideration, you fhall "find that it applies to the cafe which you are now to de-"cide"

Attorney General. The *Attorney General* faid, that juries had, in all cafes, a right to bring in a general verdict, which, fince the reign of Charles II. had never, in any inftance, been challenged or difputed. The prefent bill he thought unneceffary; but in the fituation it now ftood, he had only to fay, that the refpect due to the opinions of the Judges, in matters of libel, ought moft certainly to be eftablifhed upon the firmeft grounds.

Mr. Fox. Mr. *Fox*, in reply, faid, that from what he had heard, he was only confirmed in his opinion, that the words, "by the "affiftance and direction of the Judge," ought not to be inferted in the bill. One learned gentleman had faid, that the jury ought to hearken to the opinion of the Judges; and another had faid, that they ought to regard it with refpect. He doubted how far the terms, either to hearken or refpect, could be defined by any ftatute; and nothing, he obferved, ought to be admitted into a ftatute, which was not pofitive

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and defined. To hearken and to reſpect, were properties of moral conduct, upon which the judgements of men were to be exerciſed. Indeed, he thought that ſcarcely any words could be admitted into the bill which would not either ſignify too much, or convey too nice a diſtinction. He thought, however, that the object of the amendment might be attained, by inſerting a proviſo, that there was nothing in the preſent bill which was intended to preclude the Judges from giving their opinion. This proviſo, however, he conſidered as a ſurpluſage. In a bill, the object of which was to aſſimilate the proceedings with regard to libels, to thoſe employed in all criminal caſes, it was not neceſſary to ſtate that the Judges were entitled to deliver their opinions upon this in the ſame manner as upon other occaſions. Why ſhould it be ſuppoſed that there was any difference? Much benefit was to be derived from the opinions of the Judges, both with regard to law and fact. Nor did he think that any proviſo or amendment was neceſſary to ſecure to the jury the benefit of this opinion, as the Judges had, upon no occaſion, ſhewn any inclination to withhold it. But of the two, if it were thought neceſſary that one ſhould be adopted, he regarded a proviſo as the leaſt exceptionable.

Mr. Pitt.

Mr. Chancellor *Pitt* ſaid, that any inſtructions which a Judge could give reſpecting the law, previous to the deciſion of the jury, could be only hypothetical. In a caſe of libels, for inſtance, the Judge might ſtate the different ſorts of libels, but muſt afterwards leave the jury to apply theſe inſtructions to the particular caſe, or to adopt their own opinion, if they ſhould reſolve upon a ſpecial verdict. If it were not made binding upon the Judges to give their opinion in this as in other caſes, he was apprehenſive that ſome confuſion might ariſe, and the doubts be renewed with reſpect to the ſeparate province, which the Judge and jury were entitled to hold in the queſtions of law and fact.

Mr. Fox.

Mr. *Fox* did not think it neceſſary, he ſaid, to render it binding upon Judges to deliver their opinion upon an occaſion, in which, as in all other caſes, they were left to exerciſe their diſcretion. His wiſh was to render the enacting part of the bill as plain and ſimple as poſſible; and therefore he wiſhed to adopt a proviſo, in preference to the amendment. It was not the object to direct the mode in which the Judges were to exerciſe their rights, but only to divide the limits between the functions of Judge and jury.

Mr. Morris.

Mr. *Morris* expreſſed his objections to the principle of the preſent bill. He approved of the old method, as agreeable to the law of this country. Thoſe who accuſed it, as modern, had done it injuſtice; it was ſo ancient as to have originated in the Star Chamber, a court which, though it

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had no great credit for its decision, had produced many laudable and useful institutions. He did not conceive it necessary that any alteration should take place in the mode of procedure with regard to libels. He gave it as his opinion, that nothing was necessary on the part of the jury, except that they should find the publication, and fill up properly the innuendos. People might talk of the advantage of modern refinements upon justice, but, for his own part, he approved most of the good old way, for this very cogent reason, that it had been long established, and was most familiar in practice.

Mr. Pitt. Mr. Chancellor *Pitt* said, that a subject had now been revived, which before had been considered as completely settled; that of the system at present subsisting with regard to libels, and the necessity of a remedy. The question now was not what the law is, but what the law respecting libels ought in future to be. It was not merely necessary that the publication should be found, and the innuendos filled up, but likewise that the libellous intention and tendency should be determined by the jury. As to an objection, which might be made to the bill, that it would operate to the protection of libellers, it was now only to be considered what was the best method of finding guilty, or not guilty, of a libel. And so far from considering that the present bill would operate as a protection to libellers, Mr. Pitt said, he thought that it would rather have a contrary effect; and that a remedy for the evil of libel would most effectually be found in the decisions of a wise and impartial jury.

Solicitor General. The *Solicitor General* agreed to adopt the mode proposed by Mr. Fox, to make a proviso, and for this purpose to withdraw his amendment. The proviso, he said, which he should make, would be calculated to answer nearly the same purpose as the amendment. He proposed that it should be to this effect. That the jury should not be directed by the Judge to find guilty or not guilty, merely upon the fact of publication.

A long and desultory conversation now took place between Mr. Buxton, Mr. Mitford, Mr. Ryder, the Solicitor General, Mr Fox, &c.

The amendment was accordingly, with the consent of the honourable mover, withdrawn.

The Solicitor General then moved a proviso "That on "every such trial, the Court or Judge, before whom such "indictment or information shall be tried, shall give his or "their opinion and direction to the jury, according to his "or their discretion, as in all other criminal cases."

Mr. Fox. Mr. *Fox* objected to the introduction of this proviso, as unnecessary to the object in view, and on the ground of its being

being improper to enact any thing on the functions of the Judges, where no doubt respecting them had arisen. The dispute which the bill was meant to decide, had never been, strictly speaking, between the Judge and the jury, but between the jury and the Court out of which the process issued.

This renewed the debate on nearly the same grounds. The Chancellor of the Exchequer and the Solicitor General supported the amendment; Mr. Erskine, Mr. Sheridan, and Mr. Anstruther spoke against it.

Mr. Fox.

Mr. *Fox*, said, he did not think the proviso could do much harm, though he thought it unnecessary, and he was willing to accede almost to any thing that did not endanger the principle of the bill.

The question was put, and the proviso adopted.

On the preamble,

Mr. Pitt.

Mr. Chancellor *Pitt* proposed to leave out the whole of the first paragraph. "Whereas, in all criminal prosecutions "by indictment or information, when an issue or issues is "joined between the King and a defendant or defendants, "on the plea of not guilty pleaded, the jury impannelled to "try the same, have always had, and by the law and constitution of England were intended to have, and in their "discretion, to exercise, a jurisdiction over the whole matter "put in issue between them."

Mr. Fox.

Mr. *Fox* said, although he knew that in declining to risk the fate of the bill for the sake of the preamble, he differed from many, for whose opinions he had great respect, yet, convinced as he was that the part now proposed to be left out was perfectly true, and perfectly fit to be recited, he conceived the enactment of the bill to be of so much importance, that if it appeared to be the sense of the Committee that leaving out the first paragraph of the preamble would render the enactment less likely to meet with opposition, he would agree to give up a part, for the sake of securing the rest.

Mr. Sheridan and Mr. Erskine regretted that the paragraph, which recited the fundamental principle of our criminal justice, should be omitted on account of any opinions that might have been formerly held respecting trials by information or indictment, but acquiesced in Mr. Fox's desire to accommodate.

Mr. Pitt.

Mr. Chancellor *Pitt* said, he did not mean to express any opinion on what the law had been, much less that it had not been as the paragraph recited; but it was proper to avoid any general proposition in the preamble, which was not necessary to introduce the enactment of the bill.

The paragraph was omitted.

The Chairman left the Chair, the report was received, the amendments agreed to, and the bill ordered to be engrossed, and read a third time to-morrow.

Mr. Fox then wished to know if it was the pleasure of the House to proceed on the *Quo Warranto* bill.

Master of the Rolls.

The *Master of the Rolls* said, he had an objection to the part of the bill which empowered any person to question the right of a corporator, by which a rich might involve a poor man in the most expensive process known in the Courts, or oblige him to relinquish his franchise. The right honourable gentleman, he said, had introduced many wise checks against this abuse, but still he thought there was danger from it. If, however, it was meant only to go through the bill in a Committee, and report it to-morrow, he had no objection, as the part he alluded to could be argued as well on the report.

Mr. Fox.

Mr. *Fox* replied, that he was aware of the difficulties mentioned by the learned gentleman, but there was a constitutional principle to which he requested his attention, viz. it ought not to be law that an assumed right to vote for a Member of Parliament, could not be questioned but by the King's Attorney General.

The House then went into a Committee on the bill, which was gone through without any debate, and ordered to be reported to-morrow.

Mr. Chancellor Pitt observed, that it was too late to bring on the motion relative to the finances, of which notice had been given, and wished to know, if it would be convenient for the honourable gentleman to bring it on to-morrow.

Mr. Sheridan.

Mr. *Sheridan* said, he was ready to proceed, either then, or to-morrow. He meant to submit to the House about thirty resolutions on figures, on which he thought there could not be much room for debate.

Mr. Chancellor Pitt wished to know the purport of these resolutions.

Mr. Sheridan.

Mr. *Sheridan* said, they were resolutions of fact, from a comparison of the reports of the Committees of 1786 and 1791, followed by a resolution of inference.

Mr. Pitt.

Mr. Chancellor *Pitt* in reply said, it might be difficult to follow the honourable gentleman through the calculations of so many resolutions; and he hoped some gentleman would move resolutions founded immediately on the two reports, as to what had been the expenditure since 1786; how it had been provided for; what was the increase or reduction of the public debt: and what was likely to be the future state of the revenue and expenditure.

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Mr. *Sheridan* said, his resolutions were so nearly to the same effect, that he might almost suppose the right honourable gentleman had seen them.

Mr. Sheridan.

The House adjourned.

Wednesday, 1st June.

No material debate occurred.

Thursday, 2d June.

The House resolved itself into a Committee, and heard evidence on the bill to divorce Mr Cecil from his present lady, and to enable him to marry again, and for other purposes. Counsel being heard, the evidence were examined, and the report having been received,

Mr. *Baker* said, that the attention of the House ought to be directed not to this particular case only, but to cases of this sort in general. A provision, in his opinion, should always be made for the lady. He understood, that in this instance the lady had brought to the husband a fortune of several thousand pounds a year, and he thought a provision should be made for her, that should secure her from distress or indigence; for whatever might have been her fault, she was the object of the attention of those who voted for a bill that took from her the handsome fortune which she brought into the family from which she was now to be separated.

Mr. Baker

Mr. *Fox* said he was happy that the subject came under consideration, and that the attention of the House had been called to it. He declared, that he thought the attention of Parliament should be had to subjects of this kind more than was generally the practice; for he was ready to confess, that too little attention was generally paid to ladies in this unhappy situation. Their interest was too often neglected. He observed, that if a gentleman's lady behaved ill, he had, by the law of this country, a mode of separating from her by a divorce in the Ecclesiastical Court. That was a divorce from bed and board—a legal separation. But in that case he was bound to provide for her maintenance and support; and he really wished that some rule should be laid down by that House in that respect, to make a provision at all events for the lady in those cases. A divorce by Parliament was not part of the law of this country: it was only the equitable interposition of the Legislature to afford relief in an extraordinary manner to a person under a disagreeable situation. And as by law a man was bound to maintain his wife after a legal separation, he saw no reason why the same rule should not, in that respect, be laid down with regard to the interference of Parliament. It was neither consistent with justice nor hu-

Mr. Fox.

manity, that a lady should be neglected, and reduced to want, because she was divorced by Parliament.

Sir Geo. Howard.

Sir *George Howard* said, he understood she was to have five hundred pounds a year.

Mr. Taylor concurred entirely in the sentiments of Mr Fox.

The bill was then ordered to be read a third time on Saturday, if then engrossed.

Mr. Sheridan.

Mr. *Sheridan* rose, and observed, that the return made to his motion for papers relative to Carleton House, was so far defective, that a paper which he considered as of very considerable importance, had been wholly omitted. This omission he by no means attributed to design, but merely to accident. To explain the nature of the paper, he read a resolution moved some years ago by the right honourable gentleman over against him, (Mr Pitt) and agreed to by the House, namely, "That an address be presented to His Majesty, that "he would be graciously pleased to issue from his civil list, "the sum of 20,000l towards completing the works at Carl-"ton House, as soon as estimates of the whole of the ex-"pence for completing the same should have been laid be-"fore the Lord Commissioners of the Treasury." From this resolution it appeared that the money ought not to have been issued until estimates of the whole expence should have been previously procured by the Treasury: but the Lords of the Treasury had in point of fact issued the money, without having previously taken care to have estimates made out by the Board of Works. That it was by the King's and not by the Prince's servants that the estimate ought to have been made out, appeared from this, that Carlton House belonged not to the Prince of Wales, but to His Majesty, and consequently the money having been voted for repairing a house, which in reality belongs to the King, and not to the Prince of Wales, it was by the King's surveyors, and not by those of the Prince, that the estimate ought to have been made: the person therefore to whom the money was issued ought to be considered as a public accountant, and bound to render to Parliament an account of the expenditure. In this light Mr. Holland ought to be called to give an account of the expenditure of the several sums which had been voted for Carlton House.

This, Mr. Sheridan said, he thought it necessary to say, as a report, as strange as it was false, had got abroad, that the money voted for completing Carlton House, had been taken out of the hands of those whose duty it was to apply it to the purpose for which it had been voted; and that it was applied to purposes of a very different nature. The unfinished state of Carlton House might induce people to believe this,

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who did not know that His Royal Highneſs, not conſidering the money as his, but as voted for the repair of his father's houſe, had made it a point never to touch a ſhilling of it. Mr. Sheridan then obſerved, that in a letter from Colonel Hulſe, in the printed accounts, it was ſtated, that ſeveral papers were incloſed to Mr. Pitt one of which, marked No. 5, contained Mr. Holland's eſtimate of the works, and an account of the money expended upon them. Now it ſo happened, that this paper, marked No. 5, had not been laid before the Houſe; he moved therefore that it be laid before the Houſe.

Mr. Pitt.

Mr. Chancellor *Pitt* ſaid, that an eſtimate had been delivered to him for His Majeſty's peruſal, ſtating the amount of the ſum neceſſary for completing and furniſhing Carlton Houſe; in which ſo few alterations were made by the King's ſurveyors, that he thought it beſt to pay the whole ſum; and it was accordingly paid into the hands of the Prince's Treaſurer. As to the paper for which the honourable Member had moved, he believed it was actually in the printed accounts, though it was by miſtake marked No. 6 inſtead of No. 5; for Colonel Hulſe's letter mentioned no more than five incloſures; this No. 6 was therefore the preciſe paper which ought to have been marked No. 5.

Mr. Sheridan

Mr. *Sheridan* ſaid, the right honourable gentleman was miſtaken; for if he would read Colonel Hulſe's letter again, he would find that it mentioned things as contained in No. 5, of which nothing appeared in No. 6. He ſtill inſiſted, that the Miniſter, in obedience to the reſolution of the Houſe, ought to have ordered the King's ſurveyors to make out an eſtimate for work to be done at a houſe which belonged to the King, and not to the Prince.

Mr. Fox.

Mr *Fox* obſerved, that in point of regularity, an eſtimate ought to have been laid before the Houſe, before any money was voted on account. The eſtimate which had been made by Mr. Holland would appear to every one to have been ſtrangely inaccurate; for it valued at 50,000l. the works which remained to be finiſhed, and only at 5000l. the furniſhing a Palace for the Heir Apparent. He believed that whatever gentlemen might think of the 50,000l. for the works, they muſt laugh at the idea of furniſhing a Palace, even on the moſt œconomical plan, for ſo ſmall a ſum as five thouſand pounds. The money, he contended, ought not to have been paid into the hands of the Prince's ſervants, becauſe it was to have been expended on a houſe which belonged, not to him, but to the King; the King's ſervants therefore ought to have laid out the money, and then they could be called to account for the expenditure of it. The Prince had never employed a ſhilling of the money advanced for the

house, because he considered it as the property of his father, voted for the repairs of his father's house. When the money was paid into the hands of his Treasurer, he (Mr. Fox) was convinced, it was not done for the purpose of entrapping the Prince's servants; but it certainly was ill done; because it should have been kept in the hands of those who were responsible to the public for the expenditure of public money. Mr. Holland, no doubt, would give a satisfactory account of the business; and then there would be an end of the report, which falsely stated, that the money voted for completing Carlton House had been applied to other purposes; a report, to which, however false, the unfinished state of that house would give some colour. But the report, he declared, was without the least foundation; and the Prince wished for nothing more than an opportunity to shew that he had never directly or indirectly meddled with the expenditure of money, which having been voted for completing the King's house, he never considered a belonging to him, or as subject to his controul.

Mr. Pitt. Mr. Chancellor *Pitt* condemned the report to which the right honourable gentleman had alluded, and declared, that in paying the money into the hands of the Prince's Treasurer, he could not have intended to entrap the servants of his Royal Highness; for, if he meant to entrap them into an improper use of the money, he must have taken them at once for egregious fools as well as egregious knaves, which description every one knew did not belong to the very respectable gentlemen who belonged to the Prince's household.

Mr. Sheridan's motion at last passed without a division

Mr. Sheridan. Mr. *Sheridan* next wished to know if Mr. Pitt had any objection to a motion for a copy of a letter written to him (Mr. Pitt) by Lord Southampton on this business.

Mr. Pitt. Mr. Chancellor *Pitt* said, he had received a letter from that noble Lord, which did not appear to him to be official, though it was accompanied by a request, that it might be laid before the House. To this he had sent for answer, that if the letter was official, and his Royal Highness laid his commands upon him (Mr. Pitt) to make it public, he would immediately obey those orders, and carrying the letter to the Treasury, he would make it a part of the Minute of the Board, and then, with that Minute, it would be laid before the House of Commons. But he had not since received any commands on this head from his Royal Highness, and without them he certainly would object to the production of a letter, which till he should receive these orders, he must consider as of a private nature.

§ Mr.

Mr. Sheridan, upon this, gave up his intended motion.

Lord Sheffield. Lord *Sheffield* immediately after the foregoing conversation relative to Carlton House, rose and observed, that from what had just been said, he was of opinion that an inquiry ought to be set on foot, respecting the state of the works at Carlton House. It appeared that the House was not finished, and that the Prince was as much surprized at it as the public. It was not decent, his Lordship said, that his Royal Highness should be left longer to live in an unfinished, unfurnished house; it was discreditable to the country; and therefore he would take an early opportunity to make a motion on the subject.

Mr. Grey. Mr. *Grey* rose to make the motion, which had been announced for this day. He began by declaring that he was extremely sorry to be under the necessity of troubling the House on the present occasion. He had however the pleasure to be able to state, what he was persuaded would recommend him to their attention, viz. that he should not be long. Without any preliminary observations, perhaps, he might have made the motion, which he should have the honour of making that night, but it might be expected that he should explain the motives which had induced him to bring forward a subject of so great importance. If the critical state of the season was only considered, he should have little difficulty in maintaining his proposition, for there never was a time of more importance or of more difficulty. It was by no means his intention, he said, to go into the particulars of an event that had been so often and so fully discussed by one side of the House, and so repeatedly evaded and glossed over by the other. The King's Ministers seemed to wrap themselves up in a sullen silence that clearly convinced every rational man that they were either prosecuting a system which they dared not avow, or pursuing schemes which they could not explain. They wished to avoid all possible explanation, relying on the events, which time might bring forth; and that their fortune, rather than their wisdom and good conduct, might furnish them with protection from the effect of measures, for which, at the time they were first adopted, they could give no possible justification or excuse. But it was not his intention, Mr Grey said, to go into that topic, nor should he revert to the arguments which had been urged on that side of the House, against that novel and unconstitutional doctrine of confidence, which was every day carried to a greater height. He was perfectly willing to leave the right honourable gentleman opposite to him in possession of the plea which he had set up; he was willing to abandon all the advantages which he thought those on that side of the House

Houſe had in the argument; he was willing to urge the motion he was going to make on the grounds which His Majeſty's Miniſters themſelves had taken in the confidence of that Houſe.

The Executive Government aſked for the confidence of the Houſe to enable them to provide for the ſecurity and defence of the country, without unſeaſonable inquiries into their conduct. It was in truth and in fact, for that Houſe to give out of their hands that controul which the conſtitution had given them over the King's Miniſters, and to put it in the power of the Executive Government to declare that they would carry on a war without the aſſiſtance of Parliament. The country was in a ſingular, and Mr. Grey thought, in a much to be lamented, ſituation; they were ſtill in a ſtate of preparation for war, after two months had elapſed, ſince His Majeſty's meſſage had been ſent to that Houſe, calling on them to make good the expences of the preparation. He happened at that time to be in a reſpectable minority, who thought that the Houſe ought to have been in poſſeſſion of certain information before they voted the ſupplies, and that the vote of credit ought only to have gone to a limited ſum. The Houſe, however, thought otherwiſe, and gave His Majeſty an indefinite promiſe of ſupport as to any preparations which he might think neceſſary. It was not for him, Mr. Grey ſaid, to arraign the motives of the perſons who had propoſed the meaſure to the Houſe or the deciſion of the Houſe itſelf. He only wiſhed to ſtate the facts and the principle on which he conceived the Houſe came to that reſolution. He conſidered it to be this, that it was proper and conſtitutional to entruſt Miniſters with the means of providing for the exigences of the country. But at the ſame time that this was ſtated, he believed there was ſcarcely a gentleman who maintained that doctrine, who did not admit, that ſhould actual hoſtilities become neceſſary, it was the right and duty of the Houſe to inquire into the juſtice, policy, and wiſdom of the meaſure, before they could give their conſent, conſiſtently with their duty to their conſtituents and the public, to involve the country in all the horrors of war.

The object of the motion he was about to make would aſſert the right of the Houſe of Commons; a right not to be diſputed; a right not to be defeated by new-faſhioned doctrines of confidence or prerogative; a right which the King's Miniſters themſelves had aſſerted in their arguments, and which he then called upon them to aſſert in their practice; a right in that Houſe to inquire into the juſtice, wiſdom, and policy of this war, before they involved the country in farther expence. What had been the conduct of Miniſters for the

the last ten days? There had been an indecent hurry in carrying through business. [Here there was a cry of No! No!] Mr. Grey repeated, that in his opinion there had been an indecent hurry in the conduct of public business. What was the reason that the last page of their order book was so crowded, that they could scarcely read the orders of the day? There was business after business, and the House had sat almost till 12 o'clock at night for the last ten days. This way of doing business might be very convenient to Ministers, but what was convenient to them, was disadvantageous to the public, and he hoped they would not be able to carry their designs into effect. They ought to call on His Majesty to consider well whether this war was proper and expedient. He hoped, after having given an indefinite vote, by which His Majesty's Ministers might involve thhe country in a war the moment after Parliament was prorogued, that they themselves would seriously consider the subject. The vote they had given pledged them to make good the expence of any preparation. Was their vote given for the purpose of negotiation only? or was it a vote, which, if that negotiation was unfortunate and unsuccessful, was to enable His Majesty's Ministers to carry on a war? if the vote was merely to enable Administration to carry on an armed negotiation, in what situation would they find themselves, if that negotiation should turn out to be unsuccessful? Would they justify themselves in assembling Parliament to grant a fresh supply? He only wished to put it to the candour of gentlemen, and of Ministers, whether, if sitting a short time longer would enable them to know the success or failure of the negotiation, they ought not to continue to sit till that event was known? The claim to confidence was made only to give them the means of carrying on an armed negotiation. Mr. Grey said, the situation of the country was [illegible] that the country was engaged in an armed negotiation for the purpose of obtaining certain objects which they knew not. If those objects were withheld, he supposed the armament would insist on them by force; and if such were the case, that House had a right to information, before they consented that the country should be involved in a war. On that ground, he said, he should move,

"That an humble address be presented to His Majesty, to express the deep concern his faithful Commons felt at being called upon for a promise to make good the expence of new preparations for war, after having been so recently obliged to impose on their constituents additional taxes on account of the late armament against Spain.

"Humbly to represent to His Majesty, that in the answer which they gave to His Majesty's most gracious message, his faithful

faithful Commons, acted on by a firm reliance that His Majesty's paternal care and regard for the welfare of his people, would not suffer him, by a causeless interference in the disputes of other countries, to endanger the peace and tranquillity of this.

"That no inquiry was made into the particular circumstances which had induced His Majesty to arm, and a promise of support was given, as indefinite as the object for which it was demanded.

"That since that period two months have elapsed. The preparations for war are still continued. The expence for which His Majesty's faithful Commons must hereafter provide is daily increasing. No information as to its cause or object has yet been given; and if Parliament should now be prorogued, His Majesty's faithful Commons will be placed in the disagreeable, and hitherto unprecedented, situation of returning to their constituents, after having subjected them, by a vote of this House, to new burdens, the extent of which they cannot limit, and the justice or necessity of which they cannot explain.

"For these reasons, and others, which the circumstances of the times may suggest, His Majesty's faithful Commons humbly implore His Majesty not to prorogue the Parliament, till His Majesty shall have it in his power to communicate to them some distinct information relative to the cause of the present armament: in order, that if actual hostilities should take place, and it should be necessary for His Majesty to incur any farther expence, his faithful Commons may have an opportunity of exercising their hitherto undisputed privilege, and discharging their most important duty, in considering the extent and propriety of the same, as well as of assisting His Majesty by their advice, to form a just judgement both as to the expediency of past measures, and the policy of future Councils; and they humbly beg leave to assure His Majesty, that they will chearfully forego the private benefits and comforts of an early recess, to fulfil a duty highly necessary to the public satisfaction, and of the utmost importance to the policy, if not to the salvation of the State."

Mr. Fox and Mr. Sheridan both rose to second the motion.

Mr. Bragge.

Mr. *Bragge* rose to oppose it. He said that he did not wish to advert to privileges that certainly belonged to the House, but considering the discussion to be an excrescence of former debates, he rose to support the consistency of the House; and he did not think it would be necessary to take up much of the time of the House, to persuade them to preserve their own consistency in resisting the motion. A similar motion, though intro-

introduced with a view to a different object, had been lately before them, and the House had thought proper to reject it, and to reject it without a division. In so doing, Mr. Bragge thought the House had acted with propriety, because it would have been to have advised the King to let the exercise of his undoubted prerogative depend altogether upon the will of a prisoner upon trial before Parliament, as Mr. Hastings might have made his defence long or short as he had thought proper. Having therefore rejected that motion, consistency required that they should reject the present; since the event, for the arrival of which the address prayed His Majesty to suspend the exercise of his prerogative of proroguing Parliament, was perfectly uncertain and indefinite. But, Mr. Bragge said, it was not merely on the ground of consistency that he rested his argument against the motion; he had no objection to examine the motion itself, and try it by its merits. The honourable gentleman had complained of the order book being crowded, but he forgot that so many questions similar to that under discussion had of late been agitated, and that if those questions had not been brought forward, the book probably would not have been so crowded with orders.

The substance of the address then moved, was to desire his Majesty not to prorogue Parliament till he should have it in his power to communicate the event of the present negociation. He thought it was the undoubted privilege of the House to interfere with His Majesty's prerogative, so far as to advise him as to the exercise of it, in respect to the proroguing of Parliament; yet it must be admitted that such a privilege ought never to be enforced by the House, but in matters of great importance, and when it could be done with precision. In the present instance, Mr. Bragge said, it was easy to prove that it was not a case of that description; and first, with regard to precision, the termination of the negotiation was a matter which His Majesty had it not in his power to answer for, because it depended not only upon His Majesty, but upon almost all the crowned heads in Europe. With regard to the great importance of the case, certainly going to war was a very important matter, but still its importance did not press so peculiarly as to warrant the motion. No one doubted that it was the prerogative of His Majesty to engage this country in war, but as yet it was not clear that the present negotiation would end in hostilities; on the contrary, there was reason to believe that it would be brought to a pacific conclusion.

The honourable gentleman, Mr. Bragge observed, thought that the House was indefinitely pledged to support a war; so far from it, the vote the House had given, when they sent up an address in answer to the message, was to enable His

Majesty to arm. They still had the purse in their hands, as no money was yet voted for a war. Mr. Bragge reasoned upon this, and remarked, that the honourable gentleman had said, the situation of the negotiation was what the right honourable Chancellor of the Exchequer dared not explain. He agreed with the honourable gentleman, that the right honourable Chancellor of the Exchequer dared not explain what the situation of the negotiation was; he dared not do what an honest man dared not do, desert his duty, and abandon the interest of his country. Mr. Bragge said, when he looked back upon the conduct of the Chancellor of the Exchequer, saw how he had conducted himself through the emergency of affairs, and that he had obtained, even from his adversary, a confession that he was a fortunate Minister, his friends had a fair right to impute that to his wisdom, his integrity, and his abilities, which his enemies ascribed merely to his good fortune. With regard to the privilege of the House to request the King not to exercise his prerogative of proroguing the Parliament, he admitted that the House had such a privilege, but repeated his assertion, that it ought never to be appealed to but in very extraordinary and important cases, and where it could be done with precision. Mr. Bragge added a few more observations, and concluded with giving his negative to the motion.

Mr. Whitbread. Mr. *Whitbread* junior, said, he should speak on the subject very shortly, but in a different manner from the honourable gentleman who had just sat down; and since he saw the Minister was determined to persist in his contemptuous silence, for it was a silence, contemptuous to that House, he should thank his honourable friend for having brought forward his motion, which afforded him an opportunity of expressing his indignation at the conduct of the political Procrustes of the times, who fitted his patients to the size of his bed, and not his bed to the size of his patients, but lopped off or added just as suited his own purposes. Mr. Whitbread thought a session ought to be adapted to the quantity of business that was to be gone through; and when it was all disposed of, then and then only could the session be properly considered as to have been brought to its termination. With regard to his honourable friend's having brought so many questions forward as he had done upon similar grounds with the present, which the honourable gentleman seemed to impute to him as a matter of blame, his honourable friend, and those who had supported him, deserved the thanks of their country for having agitated those questions. That they had been necessary, was obvious from a view of the fact; and that the discussion had rescued the country from an expensive, and perhaps a bloody war, was, he believed, by no means

means to be disputed. Two months ago an armament was fitted out, an armament to enable His Majesty to negotiate with greater effect, and were they not at that moment in the very situation in which they stood at first? From the indecent hurry, (for indecent as his honourable friend had termed it, it certainly was) in which His Majesty's Ministers had precipitated the business within the last ten days, it did appear most incontrovertibly, that those Ministers wanted to get rid of Parliament, which would be a spy upon their actions. They ought not, then, patiently to bear to be told, that if they had not brought on those questions, business would have gone on regularly and quietly.

The answer set up by the other side of the House had been, the often repeated claim of confidence; but he must ever think, Mr. Whitbread said, that confidence, thus blindly given, was a disgrace to those who bestowed it, and a dereliction of their duty to their constituents. With regard to that House not having given an indefinite vote, when they passed the vote in consequence of His Majesty's message, he must always consider that which was not finite and limited as indefinite; and clearly of that description was the vote in question, which might lead to the worst consequences. After expatiating upon this, Mr. Whitbread said, if he were in a different situation, a situation which he flattered himself he never should be found in, viz. that of having given the Minister his confidence, and upon Parliament's being prorogued, his constituents should ask him what was the object and extent of the vote he had in their name given; he desired to know what answer he could make? If he said, he really knew nothing of the matter; would not his constituents say, did you vote without knowing for what? did you not ask the Minister the question? did you sleep upon the post we put you upon to watch over and guard our interests? Then would they say, we must pronounce you unfit to be any longer our representative, since you are either ignorant or corrupt.

Mr. Bragge said a few words in explanation, to which Mr. Whitbread made a short reply, by way of explanation.

Mr. Jekyll.

Mr. *Jekyll* congratulated the House on the extraordinary definition of consistency which they had just heard from his honourable and learned friend. His honourable friend had endeavoured to prove the consistency of the House by an example which was totally distinct and different from that to which he wished to apply the same line of conduct; for what analogy could there be between a motion for an address not to prorogue Parliament in favour of Mr. Hastings, and a motion to address the Crown not to prorogue, on a ground so important as that of the present motion? But

there was a consistency, Mr. Jekyll said, and that a consistency "more honoured in the breach than the observance;" viz. a reiteration of argument, and a sullen silence in regard to explanation. To prorogue at present, Mr. Jekyll contended, could not take place without very imminent danger to this country. That the House had the privilege of advising the Crown not to exercise its prerogative of proroguing Parliament, and that it had been not unfrequently exercised, Mr. Jekyll said, might be proved by many instances. In the reign of Charles the Second, when prerogative did not lay very low, that House had addressed His Majesty not to prorogue Parliament, and His Majesty's message in answer was upon their journals, by which it appeared that upon their representation, His Majesty stated his resolution not to prorogue the Houses for some time. Would it be said, because the season was advanced, and thermometers were hung up in the House to give notice of their having got to summer's heat, [alluding to the thermometer that had been hung up against the side of the gallery of the House, on Wednesday] that therefore Parliament ought to rise? He had turned back to the last eight sessions, Mr. Jekyll said, and found that they had never risen by some weeks, and he might almost say, by some months, so soon as it was meant to do this session. He enumerated the days on which each session had closed, and Parliament been prorogued from the year 1781 to the present time; whence it appeared that the session had generally been put an end to about the middle of July, but that it had twice continued till the middle of August; and in those years, Mr. Jekyll said, there had been no danger hanging over the nation. Was it then, he would ask, a time to prorogue the Parliament, when war might be commenced in a few days, and when it was generally believed the fleet would sail next week, and a blow might be struck before Parliament could again meet? Let them not bring down on themselves the disapprobation of their constituents and endanger the safety of the empire by voting against the motion!

Mr. Cawthorne.

Mr. *Cawthorne* said, he would trouble the House only a very few minutes; and first he must observe, that he had not expected to have heard a definition of consistency from the honourable and learned gentleman, or at least that he would have given a better definition of it, considering what the honourable and learned gentleman must have heard on that subject in all quarters. Mr. Cawthorne said, in voting upon the question for the address he would be perfectly consistent, for he would vote against the honourable gentlemen on the one side, as he had done on every similar proposition. With regard to confidence in Ministers, he declared, he thought

thought they ought to put that confidence in Ministers which they deserved; and if Ministers had stated to the House the nature, extent and ground of the negotiation with Russia, he should have thought they ought to be Ministers no longer. He added, that he likewise thought this a proper season to prorogue Parliament, as he knew of no business of moment that was left untransacted.

Mr. Loveden. Mr. *Loveden* rose, in consequence of the recent allusion that had been brought forward by him, relative to Mr. Hastings's trial, and was proceeding to justify it, when he was informed from the Chair, that it had no reference to the motion. Mr. Loveden then said, he would confine himself to the question for which he meant to vote, as it appeared to him to come with the greatest propriety from that side of the House. When they came to Parliament, he said, to ask supplies for the Spanish convention, they had received confidence from the House, in expectation that after the money was produced, some reason for their conduct would have been given as a satisfaction for that confidence; but as yet no answer had ever been given to any of the questions which were then put, which he thought ought to have been treated differently. He approved much of the address, and only wished that it contained a paragraph requesting His Majesty to lay before the House some account of the present state of the negotiation.

Sir Elijah Impey. Sir *Elijah Impey* rose, to oppose the address. He observed, that the honourable gentleman, who moved it, had desired to know the state of the treaty in negotiation; he wished therefore, that he had added to the address, words to that effect, because it would have brought it at once to the precise point, whether that House could or could not do that by a direct question, which had been attempted to be done by collateral terms. Sir Elijah took notice of the argument that had been urged on the ground of confidence, and said, he had not heard that extravagant confidence claimed by the Minister, which gentlemen on the same side of the House with him, had said, he required. For his part he must say, that any Minister standing in the situation in which the Minister then stood, must have confidence as long as he continued to stand in that situation, and the confidence required, was such as ought to be given during the pendency of a treaty to every Minister. The question, he observed, was not a question of prerogative, for that he hoped never would be a question; but whether the people in that House, by their privileges, were to have as much power as the prerogative of the Crown. When Mr. Grey had brought forward the first of the set of questions on the state of the nation, Sir Elijah farther observed, he had said, that being the weakest

weakest of those with whom he acted, he took the lead, but that he should be followed by gentlemen of greater abilities. As he saw the same honourable gentleman had come forward that day with another question on the subject, he took it for granted, Sir Elijah said, that the abilities of the honourable gentlemen near him had been all tried, since the honourable gentleman who seconded the motion before the last, had sat down without saying any thing more than that the question had been so fully debated, that he could say no more on the subject.

As to the question before the House, Sir Elijah declared, he must give it his negative. The Minister had said, he should think it his duty, before hostilities commenced, to lay before the House distinctly the grounds upon which it was deemed necessary to enter into that hostility. The answer to this was motion after motion, upon which the House had severally voted in favour of the Minister, and surely there was a time when the question ought to be set at rest. An honourable gentleman, Sir Elijah observed, had asked what he was to tell his constituents, when they enquired for what his vote had been given? That honourable gentleman ought to tell his constituents the truth; that it was to enable His Majesty to arm in order the more effectually to negociate; but, that if war should be necessary, the House would know the grounds of it before hostilities commenced. Sir Elijah concluded with saying, that surely the Minister had pledged himself to great responsibility, and might therefore be left to perform his duty unembarrassed by such questions as that before the House.

Mr. Pitt. Mr. Chancellor *Pitt* meant not, he said, then to go at all into the debate, but His Majesty's Ministers had been so often personally alluded to, and especially by the honourable and learned gentleman who had just sat down, that he was extremely desirous of being perfectly understood. He had undoubtedly stated, that by the vote which the House had come to upon His Majesty's message, they had not pledged themselves to support a war, should the negotiation end in hostilities; but if that should unfortunately be the case, that whenever gentlemen were called upon to vote either money or approbation, it would be the duty of Ministers to state, and to state distinctly, what the grounds and occasion of those hostilities were. Farther than this he had not stated.

Sir Elijah Impey. Sir *Elijah Impy* explained, and apologized for having made use of words relative to what had been said by the right honourable gentleman, that had extended farther perhaps than he himself had meant to go.

Mr. Fox. Mr. *Fox* said, he was extremely anxious to rise, while the right honourable gentleman's words were fresh in the memory

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mory of the House, and to call the attention of gentlemen to the wide and essential difference between the statement of the right honourable gentleman, and that of his honourable and learned friend. When the latter had concluded, he was ready to get up and entreat his honourable friend to withdraw his address, if gentlemen on the other side would adhere to what the learned gentleman had said, which was, that Parliament were not pledged by any vote to agree to a war, and that before hostilities commence, the Minister must lay before them the grounds for going to a war; in that case, all he would have asked, instead of the address, would have been a resolution, that the Minister could not go to war without giving previous notice to that House. However, it was better as it happened, that he had given way to the right honourable gentleman who spoke last, and who had stated the matter in a very different light. For he has said, that you have already voted an armed negotiation; but should that negotiation unfortunately end in war, when he came to ask supplies for the expence of that war, he would think it his duty to lay the grounds of that war before the House; so that in place of Parliament having previous notice, and its being in their power to prevent a war, should they disapprove of it, which he was sure they must, they were to be prorogued upon the eve of its commencement, and when called together six months afterwards, have to defray the heavy expence of carrying it on all that time, which it would be impossible to refuse after it was incurred. Now he would state, Mr Fox said, by way of hypothesis, that this war, which must be disapproved of, had been going on during the time they were absent, great increase of the army, navy and supplies, ordinary and extraordinary, must be demanded; he would therefore ask, whether it would not be better, and more rational to stop the calamity in the outset, than to come to Parliament for advice or assistance, after not only this country, but many other powers, might be entangled in a bloody, ruinous, and expensive war? The first was most likely to secure peace and happiness to the country, and the other the certain way to spill the blood and waste the treasure of the country. His constituents, he said, were not far off, and their sense might be soon known; but on the opening of this session, it was much boasted, that the address to His Majesty was moved by the representative of a great county, and seconded by the representative of a rich and populous city; and what, he would ask, could any of them say to their constituents? why, that they had voted for a foolish armament, they knew not why, and had voted away large sums of their money, without knowing how much, or wherefore. All this, however, must be done

done from confidence in the Minister, and a delicacy about interfering with the King's prerogative;—for, upon a strange construction of prerogative, they were not to interfere to prevent an unjust war, but when Ministers came to ask money for the expence of it, they were to lay the grounds of the war before the House—a very great satisfaction to be sure;—but he feared that wou'd be but cold comfort to their constituents. It had been said, that we were to arm, (but not to go to war), from confidence. This was a different question: but the fair state of the bu'ness, he said, was, that while they gave confidence to Ministers they were to remain in town; and when it is their duty to watch the conduct of Ministers, and the interests of their constituents, they were to be dispersed over the country; so that when they were to confide, which they might as well do in their houses in the country, they are to be present; and when they ought to watch, they are to be absent. And supposing them to be called together in November, they are to find, that while Parliament was not sitting, the country had been plunged in war, blood spilt in different quarters, a loss of all others, the most irreparable, and an accumulated load of expence heaped upon their constituents, without their approbation, consent, or knowledge—why, terrible and destructive as this prospect would be, all power to prevent it is taken from Parliament, by proroguing them, and the mischiefs of this wild, rash, and unprofitable system will be known, when too late to be remedied; for certainly peace is not so easily to be made, as it is to be broken.

At the commencement of this war, when it is the duty and the right of Parliament to enquire into and know the situation of the country, the King's Minister tells them, that they shall not continue to sit; and having got so much confidence for his negotiation, till they are to be called upon for the expences of the war, they are not to know why it was entered into; and for this unparallelled and monstrous conduct of Ministers, they shelter themselves, as usual, under state secrecy, which they find amazingly useful upon all similar occasions. Much had been said about consistency, and the period at which it would be the duty of Ministers to give some explanation, though some gentlemen had gone so far as to say it might never arise, particularly the honourable and learned gentleman who gave a speech for his constituents, and had told him to say to them, that he had voted from confidence in the King's Minister for a negotiation, and that the Minister had referred him to a period when, perhaps, explanation might be given—This, and the King's prerogative to involve the country in a war, Mr. Fox said, were the two good reasons they were to have for all the calamities, misery,

misery, and burthensome expences that must attend it. Upon such a speech to their constituents, would they not have a good right to say, "You are unworthy of the trust "we have reposed in you; you have fled from your duty, "and have risked our lives, our blood, and imposed fresh "and oppressive taxes upon us." For he would maintain, that it would be impossible for the House of Commons to refuse to pay the expences when they met in November; and there was no other way of raising the money, but by taking it from the pockets of the people by taxes. In this country it had been understood, that the people could not be taxed without their consent given by their representatives in Parliament; but this constitutional language is exploded, and we are told that it may be otherwise, because the expences incurred upon the right of the King and his Ministers, to involve the country in a war, without the consent of Parliament, which Mr. Fox said, he absolutely denied, strongly as it had been put that night. It was true, the King could make war, but could he command a fleet or an army without the mutiny bill? could he raise a shilling to pay them? In short, admit the right of the Commons to grant or withhold the supplies, and give him his great prerogative, what is it? But gentlemen say, we are not asking much; trust the King and his Ministers only with a little of your privileges, just a small armament or so, only to put the nation to a little expence of blood and treasure. For his part, he would say, no; when you can say A, you may say B, and therefore, however much he respected the just prerogatives of the Crown, he never would encroach on the privileges of the people.

When proroguing Parliament without advice of Parliament is mentioned, we are told, "Beware, you are infringing upon the King's prerogative, who has the undoubted "right to dissolve and prorogue Parliament." God forbid that this House should attempt to wrest any of the King's prerogatives from him, and much, they were told, ought to be confided in the proper use of it. These might be fine words, and sound well; but then comes another prerogative, that of involving the country in a war, without consent of Parliament, which likewise must not be interfered with. Was this either a decent or right way of arguing, or was it not the most extraordinary that could have been used? Were we in the situation which this extended and novel idea of prerogative places us, our situation would be that of a most absolute monarchy of the very worst sort. Knowing all this, what must the country think of the mysterious proceedings of the present session, and more particularly its abrupt and improper prorogation, should it take place,

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which he trusted it would not.—Certainly, if an answer might soon be expected from Russia, and something decisive be known, could there be any good reason for proroguing before that came? Should the negotiation terminate in hostilities, there must be an increase of army, an increase of navy, and an increase in many establishments, which would amount to very large sums; and when they met in November, all this must be provided for, whether the cause of the war is approved or not. The expences, such as stores laid in, and other articles, were of a nature that it was not possible for Parliament to avoid paying them, whatever the amount might be. For all this calamity, and all the other bad effects, that must follow an unjust and impolitic war, what was the recompense, or what was the country to gain? It had been said, that Ministers were responsible for what they did. Undoubtedly they were. But what was the punishment of a Minister? It might serve as an example, but it could not atone to the country for the ruinous disasters that his folly, ignorance, or rashness, had occasioned.

Mr. Fox said, he was surprised to hear the lateness of the season so often mentioned, when it was known that in preceding years they had sat much later. But, perhaps, it would be said, that there were more urgent and important causes for it; that the country was in an uncertain and alarming situation; or that we had much to fear from the situation of other powers. With what degree of justice, this was to be said, he left to the House to determine. This measure might now suit the Minister's convenience, by getting rid of the Parliament, but it might also ultimately be his ruin. He seemed to wish for an absolute power over the House, from the vote they had already given, which, no Minister would, however fond of prerogative, hold long over a Parliament in this country.

It had been said, that he had called the right honourable gentleman a great and a fortunate Minister; and then he was reminded of the auspices of Cæsar and other great names of antiquity, as if what he called fortunate, other men would call wise. He knew all this. He knew that where a series of success had followed the conduct of any man, that which his enemies might attribute to fortune, his friends would with justice ascribe to wisdom. But in this sense, he had never called the right honourable gentleman either great or fortun te. He had described him as great in situation, and great in power, by fortunate circumstances, over which he had no controul, and in producing which he had no influence. The revolution in France, for instance, he had often described as a most fortunate circumstance;—as an event by which this country was exalted to pre-eminence

nence among the ſtates of Europe, which could not have been attained by any other means. Would the right honourable gentleman or his friends contend, Mr. Fox aſked, that the wiſdom of the right honourable gentleman had any concern in bringing about that revolution? That was indeed a fortunate event for the Miniſters of this country. Moſt unfortunate however, had been the uſe of it. Inſtead of availing himſelf of the advantages which it preſented, which even obtruded upon him; inſtead of exhibiting the temperance, the moderation, the diſpoſition to conciliate, ſo conducive to the honour and the intereſt of a great nation; he had thrown them all away by raſhneſs and inſolence—for friendſhip he had procured enmity; for reſpect contempt. He had deſcended from the high elevation on which fortune had placed him, and reduced himſelf to the neceſſity of having recourſe to temporary ſhifts and expedients, by what Mr. Fox ſaid, he ſhould ever conſider as the moſt deplorable incapacity.

Mr Fox ſaid, let his friends look to the conſequences; but let them not, when thoſe conſequences were too ſenſibly felt to be diſguiſed, take the reverſe of their preſent argument, and ſay, "What you call impolitic, we call unfortunate." He wiſhed the preſent queſtion might be carried by a great majority. If it were not, he wiſhed the majority to be as reſpectable as poſſible; but, were there none to vote for it but his honourable friend who moved it and himſelf, with his honourable friend he ſhould be proud to divide for it. His honourable friend, it was ſaid, was put forward as the weakeſt of the party. Well might they ſay, *Ex pede Herculem!* What muſt be the ſtrength of that party of which he was the weakeſt? If the queſtion in effect had been already decided, it was far from improper to renew it in another ſhape; and even where other men had failed, the ſtrength of his honourable friend was ſuch as to make it far from a deſperate experiment—Of this he was ſure, that his honourable friend, by bringing forward the queſtion, had merited the gratitude of poſterity, and would receive the thanks of his conſtituents and his country. The learned gentleman had ſaid, that the Miniſter muſt give an account of his conduct at the proper time. If he did not give that account, he truſted the learned gentleman, notwithſtanding his diſlike to impeachments, would lend his aid to impeach him. The ſyſtem of foreign politics which we had adopted, rendered us at once the hatred and contempt of Europe. It might be truly and emphatically deſcribed in four words, once applied by a great ſtateſman to the meaſures that gave birth to the American war—*Odioſum, deteſtabile, imbecillum, caducum.*

Mr. Dundas.

Mr. *Dundas* in reply, said, the one part of the right honourable gentleman's argument was a complete answer to the other. After seeming to dispute the prerogative of the Crown to declare war, he admitted that prerogative, and then added, that it could not be exercised without the concurrence of the House of Commons, whose privilege it was to withhold the supplies, and that privilege in the one case was as absolute as prerogative in the other. These were positions which no man disputed; but there was a single argument to be drawn from them applicable to the present instance, that was not equally applicable to every other. The House of Commons had a constitutional check on the prerogative of declaring war, by refusing the supplies, if they thought the war improper. What they had in all cases they had now; but was this any reason for interfering with another branch of the prerogative, the power of the Crown to prorogue the Parliament? His Majesty's message had been followed by no vote of credit, no supply had been granted upon it, and therefore, there was no ground for the imputation that Ministers wished to get rid of Parliament in order carry on a war. The House had every check which it possessed at any time, and unless it could be shewn that these checks were insufficient, the whole argument fell to the ground. What was their situation as to the period of the session? The complaint was very different from what it had been formerly; the same gentlemen who used to complain that the session was improperly protracted, now complained that it was improperly shortened. When a learned gentleman compared the present period of the year with that which Parliament had formerly continued sitting, he should always have compared the time at which it met—in November; and then he would have seen whether the present was likely to be shorter than former sessions; whether business had been hurried over to get rid of Parliament. That much business had remained to go through for the last ten days was owing to many things having been postponed from time to time, at the request of gentlemen on the other side of the House, and if the honourable gentleman who made the objection had examined the book with care, he would have seen that his own motions made a considerable part of that business. There was now no business before the House, except, indeed, the string of resolutions which an honourable gentleman (Mr. Sheridan) had in his pocket. To what end, then, was the session to be continued? Mr. Dundas said, he disclaimed all personal confidence in the Minister. Well entitled as his right honourable friend was to such confidence, he demanded only the constitutional confidence that must be given to every Minister, without

which the business of executive government could not be carried on. The House had already given that confidence. They had allowed an armed negotiation to go on for two months, without interruption, except from the repeated call of certain gentlemen to disclose the circumstances of the negotiation, which the House had very properly resisted.

That it was not the prerogative of the Crown to engage in war without the advice of Parliament, Mr. Dundas said, he should be as ready to maintain as any man, but the prerogative of proroguing Parliament was not to be controuled, unless the ground of controuling it was pointed out. The King might often be unable to explain the circumstances which led to war, till war actually commenced. If his Ministers advised him to prorogue Parliament to avoid receiving its advice, they became responsible for what they did, and must give an account of it at the proper time; but the hypothetical cases, put by the right honourable gentleman, did not, and could not, prevent the exercise of that prerogative. There was nothing at present to make the House more jealous of it, than on other occasions, when it was exercised without question. The right honourable gentleman had said, that the result of the negotiation must be known in a week or two. How did he know, Mr. Dundas asked, that it might not continue three, six, or eight weeks: and was Parliament to be kept sitting for such an indefinite period? It was difficult, he said, to resist appeals to men's passions on the rights and privileges of Parliament, when enforced by such powers of eloquence as the right honourable gentleman possessed. They were flattering to their representatives; but they must not be allowed to interfere with the known prerogatives of the Crown, unless where an adequate cause was made out. Mr. Dundas concluded, with observing, that admitting all the right honourable gentleman's premises, his conclusion did not follow. There might be many cases which would make it not only proper, but necessary, to declare war, without the previous advice of Parliament. In cases of particular emergency, in case of invasion, or apprehension of invasion, His Majesty was empowered to assemble Parliament within fourteen days. There was now the same checks on every exercise of the prerogative, that there had been for a century past. There was no particular reason to dread its being abused; and consequently there could be no ground for laying extraordinary restraints upon it.

Mr. Windham

Mr. *Windham* said, the propriety and necessity of voting the address had been so forcibly urged to the House by his right honourable friend, that he believed nothing could be added to his arguments. He could not in the same manner compliment the right honourable gentleman, who attempted

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to anſwer them, on his ſucceſs. He appeared to be in the aukward ſituation of feeling himſelf called upon to ſay ſomething, when, in truth, he had nothing to ſay. Mr. Windham ſaid, he ſympathized with his (Mr. Dundas's) zeal in ſupport of his right honourable friend, (Mr. Pitt), but he could not congratulate him on the effort it had produced. Mr. Windham called on the Houſe to compare the anſwer with the argument. They were told that they were not to interpoſe with their advice on ordinary occaſions. Was this an ordinary occaſion, when the country was, for any thing he knew, on the brink of being involved in a ruinous war? To the King, they were told, belonged the prerogative of declaring war, but they had a check on the exerciſe of that prerogative. They were then told that the King had the undoubted prerogative of proroguing Parliament; and thus by the exerciſe of the two prerogatives, they were to be deprived of the means of exerciſing that check and controul, which it was admitted they poſſeſſed. They were left to the ſlow and precarious puniſhment of the Miniſter, which, after all, could not remedy the miſchief that called for puniſhment, and were totally deprived of the means of prevention. What anſwer were they to give to their conſtituents, when aſked what care they had taken of their intereſts? Were they to ſay that they had been giving their confidence to the Miniſter, on an aſſurance that when their advice became neceſſary, all the circumſtances were to be explained to them? This muſt naturally lead to a ſecond queſtion—"When you knew that your advice might be wanted, why "did you ſuffer yourſelves to be diſperſed almoſt at the mo"ment when that advice could be given with effect?" To this he feared no anſwer could be given.

Mr. Sheridan. Mr. *Sheridan* in ſupport of the motion, ſaid, that well as the right honourable gentleman was entitled generally to the praiſe of ability, he certainly had not on that occaſion advanced any argument which could make it neceſſary for him, or any gentleman, to riſe, eſpecially after the clear and explicit anſwer of his right honourable friend. There was nothing to reply to; nothing to refute; a convincing proof that the motion which had been made ſo ably, and in the ſupport of which his right honourable friend (Mr. Fox) had wielded his Herculean club, was unanſwerable. All the puny efforts of the other ſide to reſiſt the blows of that club, ſerved only to expoſe them more to the eyes of the Houſe in the unequal conflict. They were exhauſted of argument. But his right honourable friend was not exhauſted. His rich and fruitful mind had produced the new and irreſiſtible arguments which they had heard, and which, whatever might be the vote, had given conviction to every thinking mind in the

the House. But the opposite side of the House, Mr. Sheridan said, were not only exhausted, but tired—They were tired of being compelled to sit and hear accusation; which they could not refute; tired of enduring the scourge, and of being obliged at the same time to kiss the rod; tired of their own supporters, whose clumsy defences served not only to aggravate their suffering, but to disgust their taste. And thus exhausted and spiritless they sat in dejected silence, and left the field to their conquering enemy. Ever till now, he said, the right honourable gentleman (Mr. Pitt) had at least made the shew of ingenuity; he had always said something in vindication of the measures he had taken, or in support of the confidence which he claimed. But now he looked round with a supplicating eye, and pressed allies into the service, from whose aid, however, he did not profit, and whose excuses even he was forced to deprecate. Such was the situation in which the opposite side stood, and with such complete triumph were the arguments of his hononourable friends to go forth into the country.

He could not. however, say, Mr. Sheridan continued, that there had been nothing new advanced on the opposite side. The right honourable gentlemen had told them two pieces of important information; the one good, and the other bad. The bad point was, "that it was utterly impossible for him to say, when the armed negotiation might be concluded, the answer might come in a week; but it might be a fortnight, a month, two months, or three months." Thus the House was told that there was no reason to believe, that though Britain had armed to give vigour, dignity, and effect, to the negotiation of the Cabinet, they had no knowledge, or even conjecture, of the time when it could be effectual. This was bad news, as it proved that firmness and decision, which ought to be the natural companions of an armament, were wanting; and that though they had put the nation to all the expence, and had committed its character to the eye of Europe, they had not sent a message which must draw from the court of Russia a speedy and unequivocal answer. The point of information which he considered as good news, was a discovery which the right honourable gentleman had made, that in case of the apprehension of an invasion, His Majesty might convene the Parliament in fourteen days. He had not been extremely accurate on the point; but it was his opinion, that if, when we had sent our fleet to the Baltic, it should be discovered that there was an intention in the Empress to invade this country, the King might exercise his undoubted prerogative, and convene the Parliament in fourteen days. This opinion was important; for, as the right honourable gentleman

man was going into the Cabinet, it was of consequence to the House to know, that they would have the recommendation of the right honourable gentleman for this exercise of the power which was vested in the Crown.

No man, Mr. Sheridan said, was disposed to deny the two prerogatives, of making peace and war, and of proroguing Parliament, but he would make this unqualified declaration, that the prerogative of making peace and war was not to be exercised without consulting the two Houses of Parliament, when they could be consulted. The prerogative certainly ought not to be exercised without such consultation, and he would add, that it could not, without material detriment to the Crown, and without endangering the best interests of the country. The two Houses were the best and soundest advisers of the King; for though he possessed the advantage of a Privy Council (the selection of the Privy Council, called the Cabinet, was unknown to the constitution) the true, and legitimate advisers which the Crown was bound to refer to, was the Commons and Lords Houses of Parliament. It might happen undoubtedly, that the Crown might be obliged, from external circumstances, to declare war at the time he could not consult the two Houses of Parliament. It was true, and it was a defect in the constitution. It was a calamity, Mr. Sheridan said, to which therefore the nation might be occasionally subject. But would they covet that situation by choice, which was a necessity and a fault? Would they voluntarily put themselves into a situation in which they could not derive the fair benefits of the constitution which was our boast? Mr. Sheridan desired, that they should not be called on to make this sacrifice of their duty; he desired, that, that which was their right, as truly as the prerogative of declaring war was the right of the King, namely the right of advising the Crown, might not be surrendered by their own supineness, nor suffered to be taken from them by the act of Ministers. The address to the Crown, which they had voted, saying generally that they would make good the expences of the armament, was, in truth, an unlimited vote of credit; and this he averred was an act which the Commons House of Parliament had no right to do, consistent with the compact which subsisted between them and their constituents. The King, he said, must not dare to violate his compact with the people. And in like manner the compact between that House and the people of England was equally binding, and by granting an unlimited vote of credit, they had done that which they had no right to do. If they should be told that they ought not to require previous information, as the purse was still left to them, Mr. Sheridan said, he denied the fact.

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They had ſurrendered the purſe-ſtrings. They were to be ſeparated and ſent adrift, and the key of the ſtrong box of England was left in the hands of the right honourable gentleman. He was to draw on the public for what ſums he pleaſed; nay, and without ever pledging himſelf that at any future time he would explain to the country what was the true meaning of his purſuit. What he had ſaid on a former day, in the way of promiſe, did not amount to what a learned gentleman (Sir Elijah Impey) had ſaid, and it was more explicit than what the right honourable gentleman himſelf had recollected. Something between the two, Mr. Sheridan ſaid, ſtruck his memory, as being the aſſertion. It was evident that the promiſe which he had made on the affair of the Spaniſh armament, and which he had broken, had taught him prudence, and he was now cautious how he promiſed to give them any ſatisfaction at any time. On the Spaniſh armament, he had directly promiſed them to explain the whole of the negotiation. But on its cloſe, not one explanation had been given—If he had kept his word, he would have convinced every gentleman of the impolicy, injuſtice, and folly of that whole meaſure. Mr. Sheridan concluded, with obſerving, that the experience of that armament ought to make them cautious on this. And he thought, that they ought to come to a reſolution, declaring that the Houſe ſhould receive from Miniſters at a future time, a full and explicit diſcloſure of all circumſtances of this armed negotiation, that they might be able to judge of the policy and wiſdom of the meaſure, on which, without explanation, Miniſters had demanded the confidence and the money of the people of England.

Mr. Martin.

Mr. *Martin* ſaid, that if Parliament had not been ſitting, the negotiation would have been over a month ago, and we ſhould have been now at war. He would vote therefore for the addreſs.

The Houſe divided on the queſtion,

Ayes, 5; Noes, 170.

Adjourned at twelve o'clock.

Friday, 3d June.

Mr. Roſe preſented at the Bar of the Houſe the paper which was moved for by Mr. Sheridan containing Mr. Holland's ſtatement of the ſum expended on Carlton Houſe and the ballance remaining, &c.

Lord Sheffield.

Lord *Sheffield* ſaid, he ſhould trouble the Houſe with a very few words previous to the motion he propoſed to offer, and of which he had given notice yeſterday. He intended to move for a Committee, not only to inquire into the expenditure of the money voted for Carlton Houſe, but alſo to

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conſider the proceedings of the Houſe on that ſubject. If the Committee ſhould be appointed, he thought it would appear to that Committee, that the ſums voted were not, at the time, ſuppoſed to be the whole that would be wanted to compleat and furniſh Carlton Houſe. That the money voted had merely paſſed through the hands of the ſervants of the Prince of Wales to the perſons employed at Carlton Houſe, and that his Royal Highneſs wiſhed the proper officers of the Crown to ſuperintend the whole of the buſineſs, and to controul the expenditure of all the money voted by Parliament for the building and furniſhing Carlton Houſe. His Lordſhip added, that it would appear alſo that his Royal Highneſs was much diſtreſſed by expences incurred reſpecting a Palace, which was the property of the Crown and not of the Prince. He then moved, "that a Committee "be appointed to examine, whether the reſolution of this "Houſe reſpecting Carlton Houſe, has been complied with, "and alſo to inquire reſpecting the application of the money "voted for the additions to, and the furniſhing of, that "Houſe." His Lordſhip then ſaid, that to explain more fully his purpoſe, he ſhould read a motion, which he ſhould wiſh to propoſe if the report of the Committee ſhould be, what he thought it likely to be; "that an eſtimate of the "neceſſary expence, of compleating and furniſhing Carlton "Houſe, ſhould be laid before that Houſe, and that ſuch "expence being aſcertained, the compleating and furniſhing "ſhould proceed under the direction of the Board of Works, "or of ſuch officers as His Majeſty may pleaſe to appoint."

Mr. Pitt. Mr. Chancellor *Pitt* conceived that the motion of the noble Lord applied to two objects; firſt to whether the reſolution of the Houſe had been complied with; and ſecondly, whether the money, which had been iſſued in conſequence of that reſolution, had been applied to the purpoſe for which it was granted. There was an account already before the Houſe ſhewing how much money had been iſſued, and therefore he conceived that the firſt object of the motion was unneceſſary. As to the ſecond part of the motion there appeared to him to be no reaſon for urging it.

Mr. Sheridan. Mr. *Sheridan* ſaid, he conſidered Mr. Holland as a public accountant, and was of opinion that both parts of the motion of the noble Lord were highly proper, ſince he thought it incumbent on the Houſe to inſtitute an inquiry.

Mr. Pitt. Mr. Chancellor *Pitt* wiſhed to know on what ground the Houſe could inſtitute ſuch an inquiry? If any perſon could declare from authority that ſuch an inquiry was agreeable to the ſentiments of his Royal Highneſs the Prince of Wales, he would not reſiſt it. He begged leave to ſtate, that from the beginning of the tranſaction to the preſent

moment,

moment, His Majesty's Ministers had not considered themselves as at all responsible for the money, which had issued to the Treasurer of his Royal Highness, and over which the board of Treasury had no controul. The money was issued to his Royal Highness's Treasurer, and it was left to his discretion to lay it out in the way that might be most agreeable to his Royal Highness. Mr. Pitt asked, whether there was not an objection in point of delicacy to inquire into the subject? At any rate he did not recollect to have heard any ground alledged for the motion.

Mr. Fox. Mr. *Fox* thought the inquiry ought to be gone into, and, he believed, there was not the least objection on the part of his Royal Highness, to the most minute examination of the subject. When Parliament voted money for building Carlton House, he thought it material to the honour of the House of Commons, that it should not be applied to any other purpose, and that the money should have been sufficient to have completed the purpose for which it was voted. It was not creditable to that House, that a specific thing was voted to be done for his Royal Highness, and that afterwards that thing should not be done.

Mr. Dundas. Mr. *Dundas* expressed his reluctance at speaking upon the subject; he however could not restrain himself from giving his opinion upon it. He perfectly recollected, he said, the original question which gave rise to that debate. Four years ago a proposition was brought forward for the payment of the debts of his Royal Highness, and there was then a sum included on account of Carlton House. He wished, therefore, to ask whether any gentleman had understood, that the money then voted would not be sufficient for finishing Carlton House? Mr. Dundas said, he did not like the way in which the business was then brought forward. To the motion, in its present shape, he felt a direct objection, since it did not appear to him the way in which a business of that sort ought to come before the House. Could any man understand, that a farther sum was necessary for finishing Carlton House, without a fresh application to Parliament? it had been stated by a right honourable gentleman (Mr. Fox) that 5000l. only had been allowed for furnishing Carlton House. That, however, was a mistake; because the 5000l. was given for finishing the furnishing of it. This, like every other measure, Mr. Dundas contended, ought to have been brought forward, not in an indirect, but in a fair, open, and manly way before the House.

Mr. Powys. Mr. *Powys* asked if a Committee were appointed, and on inquiry it should be found that the money voted was duly applied, but had failed in completing the purpose, whether

they would not grant a farther ſum for completing the work?

Mr. Pitt. Mr. Chancellor *Pitt* ſaid, when 20,000l. was voted on account, His Majeſty was not ſure that the whole of the ſum ſtated in the eſtimate (35,000l.) was neceſſary, and whether ſome ſavings might not be made; but it was afterwards not thought proper to make any reduction, and it was deemed moſt adviſeable to iſſue the whole ſum. Knowing this to be the fact, Mr. Pitt declared, that it was his peculiar duty to bear teſtimony of that fact to the Houſe, and, he ſaid, he could not conſent to vote for more money on the ſubject, without full explanation.

Mr. Fox. Mr. *Fox* replied that he very much doubted whether any ſpecific ſum was ever mentioned within thoſe walls. He had not the ſmalleſt recollection of it, although he dared ſay it was true, ſince it was ſtated by the right honourable gentleman. Mr. Fox ſaid, it was not honourable for the Houſe to vote money for a particular purpoſe, and then not effect that purpoſe. The right honourable gentleman had ſaid, he would do nothing till he had the fulleſt explanation. Mr. Fox conſidered it as a duty incumbent on the Houſe to conſider this ſubject as a little ſerious. He had no doubt but that every Member of the Houſe had a proper attachment and reſpect for his Royal Highneſs, and would ſee the propriety of ſomething more being done.

Mr. Powys explained.

Mr. Ryder objected to going into a Committee.

Sir Wm. Dolben. Sir *W. Dolben* obſerved that Carlton Houſe had been the reſidence of his Royal Highneſs's grandfather and the Princeſs Dowager, who had made improvements, but never called on Parliament for money Sir William thought it was proper that there ſhould be a place ſuitable to his dignity for the reſidence not only of *the* Prince of Wales but of *a* Prince of Wales; and if it were fairly done, he would not object to any reaſonable ſum; but he wiſhed the Houſe to remember, that the money voted for every ſtated claim was ſqueezed from the hard hands of the laborious and moſt induſtrious order of the people.

Mr. Fox. Mr. *Fox* explained that Carlton Houſe was the leaſehold property of the King, for fourteen years, and then it fell to the Crown.

Mr. Chancellor Pitt propoſed an amendment to the motion of Lord Sheffield by moving, that theſe words ſhould be left out of the motion, "to examine whether the reſolution "of this Houſe has been complied with." This amendment was carried. His Lordſhip's motion then remained in this ſhape, "That a Committee be appointed to examine reſpecting

"specting the application of the money for the additions to, "and furnishing of, Carlton House."

Mr. Harrison. Mr. *Harrison* did not conceive it possible for any objection to be made to the motion, and he thought that they ought to go into a Committee to see whether the money had been properly applied. He said, as he understood it was the Prince of Wales's wish that the application of the monies should be inquired into, he would give the motion his support.

Mr. Chancellor Pitt and Mr. Dundas were both of opinion that very serious doubts were to be entertained whether the motion ought to be granted. They believed it was almost without precedent to have a Committee of that sort, unless they knew explicitly that the motion was desired by his Royal Highness the Prince of Wales. A motion more disrespectful could not be made, Mr. Pitt said, unless it had his Royal Highness's consent. He saw nothing else to counterbalance his objections on the face of it. Unless therefore some gentleman would get up and pledge himself that it was the Prince's wish, he must object to it, and he did not know but he should go beyond his duty as a Member of Parliament to agree to it even under any circumstances or any explanation.

Mr. Windham. Mr. *Windham* said, he was the last person to suspect any misapplication of the money voted for Carlton House, but they ought to know how the money already voted had been applied.

Mr. Noel Edwards thought it was highly proper to institute an inquiry on the subject.

Mr. Pitt. Mr. Chancellor *Pitt* asked if the honourable gentleman had any instruction from the Prince to declare it to be his wish that the application of the money should be inquired into.

Mr. Windham said, certainly not.

Mr. Sheridan here read a letter from Lord Southampton to Mr. Pitt, one of the papers presented that day, from which it clearly appeared that his Royal Highness the Prince of Wales was extremely desirous that an inquiry should be made, and the whole application of the money fully investigated.

On that ground, the Chancellor of the Exchequer agreed to a Committee.

The Committee consisted of the following gentlemen: Lord Sheffield, Lord J. Russel, Mr. Dundas, Lord Apsley, Mr. C. Townsend, Sir W. Dolben, Mr. P. Watson, Mr. Anstruther, Mr. Bastard, Mr. Pulteney, Mr. J. Smith, Mr. Hussey, Mr. N. Edwards, Mr. Fox, Mr. Pitt, and Mr. Sheridan.

The

The order of the day being read for the House to resolve itself into a Committee, on the Report of the Select Committee appointed to examine the several papers relating to the public Income and Expenditure, Mr. Jolliffe took the chair.

Mr. Sheridan. Mr. *Sheridan* rose, and said, he rejoiced that they were now in a form to examine with accuracy, whether his assertions and predictions on the state of the finances, or those of the Chancellor of the Exchequer, had been verified by facts and events. The Committee need not be alarmed at the number of the resolutions which he meant to move (forty) although they were, he believed, one for every Member present; because, being founded on the reports of the Revenue Committees of 178[illegible] and 1791, it required but little argument to support them. It was unnecessary, he said, for him to press on the attention of the Committee, that no subject could be more important, than whether or not Parliament was doing its duty to the Public on the state of the finances; was exhibiting a true account of their actual situation, and watching over every circumstance in the receipt and expenditure of the money levied on the people, with the attention that their duty to their constituents required.

Experience shewed, that all the circumstances of domestic economy, in which nations were formerly interested, the patriotism of their rulers, and the characters of this or that great man, were becoming daily of less importance, except the management of public money, and the mode of taking it from the people. When he considered this, he said, he could not but be surprised at the conduct of the House of Commons, on a subject to which he thought they could not be too attentive. Instead of attention he had observed, for many years, a remissness which was far from creditable. From the examination of public accounts they seemed to shrink as from a task, which was either not within their province, or above their comprehension. Revenue regulations and tax bills they appeared to consider as things which they were to vote on confidence in the Minister, notwithstanding the multitude of provisions which they generally contained, by almost every one of which the liberty of the subject was more or less connected. In consequence of this confidential carelessness, Mr. Sheridan said, he had never been able to get a tax bill printed, though he had often attempted it, an attempt in which he was persuaded he must at length succeed; for it was not to be believed that the House would persevere in passing bills, containing a great variety of important and complicated clauses, without taking the ordinary means to comprehend and understand them.

It was not a little extraordinary, he said, that when they had appointed a Select Committee to examine and revise the report of the Committee of 1786, on the state of the public revenue and expence, when the Committee of 1791 had made an estimate of the probable expence of the future peace establishment, exceeding the estimate of the Committee of 1786 by half a million, that the House had received that estimate without asking a single question respecting the cause of the increase; and had voted supplies for the peace establishment of the current year, independent of the armament, exceeding the increased estimate by 800,000l., without a single reason assigned why the peace establishment of 1791 should be greater than that of future years was expected to be. It was equally extraordinary that the Committee of 1791 told the House that the revenue had risen half a million above the estimate of 1786, and that the permanent expence had risen above the estimate in the same proportion; so that all the produce of new taxes, of arbitrary and oppressive regulations, of the unjustifiable extension of the Excise laws since 1786, had gone to the support of new establishments, and not to the reduction of the public debt. It was not the duty of the Select Committee to inquire into the increase of the establishments. They had, however, made an estimate of it in their report, and such was the result of it. The House had received it without the least surprise. Were an historian to give an account of the affairs of Europe since 1786, in his Chapter of Finance, after detailing the situation of other States, he might naturally say, "When we look to Great Britain, after the inquiry that she had instituted, and the principles of economy that she had laid down, we must suppose that she was availing herself of the quiet of her only formidable rival, and the security which she consequently enjoyed was employed in reducing her establishment, and applying her increased revenue to conquer the only enemy she had to dread, her national debt." Instead of this, we had been increasing all the means of defence in proportion as our security increased; and our Ministers had thought it their duty to look out for new enemies, when France ceased to be the object of our dread. Mr. Sheridan said, he had heard the extraordinary increase of the revenue, exultingly stated by an honourable gentleman (Mr. Steele) before Christmas; in opposition to which, Mr. Sheridan said, he had then asserted, that the average receipt, since 1786, did not amount to the estimate of 1786, and the report of the Committee now proved the assertion. In that average, he could not include the receipt of the last year, because he had not the accounts of it before him. But he admitted, that it had been great,

great, and ſhould, by and by, explain from what circumſtances.

The Committee of 1786 found the annual amount of permanent taxes at	-	£.12,042,697
They had eſtimated it at	- -	12,797,471
It produced in 1786	- -	11,836,531
Falling ſhort of the eſtimate	- -	960,940

The Chancellor of the Exchequer, continued Mr. Sheridan, whoſe buſineſs it was to raiſe public credit as high as he could, that he might loſe as little as poſſible of his own, reſolved to get rid of this deficiency, and to ſcrew up the annual receipt by every poſſible means. It was highly proper to do this; but it ought to have been done openly, on a fair ſtatement of the cauſe, inſtead of being done by what was called regulation of taxes, which were in many caſes new taxes, and other indirect methods.

It was a falſe principle that the true ſtate of the finances was not to be told to the Public. Being once fairly and honeſtly ſtated, and open and avowed means provided to remove any deficiency, public credit would increaſe with public confidence. As one inſtance of indirect revenue, the aſſeſſed duties, on pretence of frauds and evaſions, were transferred from the Exciſe to the Stamp Office; and inſtead of the uſual mode of preſuming every man to be innocent till he was proved guilty, every man was preſumed to be a defaulter, who could not prove that he was not. Under the threat of a rigorous and expenſive Exchequer proceſs, it was aſſumed that no man had paid at the Exciſe Office, and all were called upon to pay at the Tax Office. Thoſe who had paid and had miſlaid their receipts, or who did not like trouble, could not apply at the Exciſe Office, as they were told they might do, to have the payment made there returned, and by this mode a conſiderable ſum was obtained, but certainly in a very unfair way of taxation. Something ſimilar to this happened when 10 per cent. was added to the aſſeſſed duties, as part of the ways and means, for the expences of the Spaniſh armament. About three months after, the Collector came at Lady Day, and demanded 10 per cent. not for a quarter, but for a whole year. With juſt as much propriety, in point of principle, might he have demanded it for ten years. All theſe indirect modes of raiſing money did harm. Retroſpective taxes deprived the conſumer of the option which he ought to have, of uſing or not uſing the thing taxed; they inſulted the feelings of men, and taught them to conſider taxes not as a fair and neceſſary contribution

for

for the public benefit, but as a harsh and unexpected imposition.

The average of 1786 and 1787 was	-	£.12,295,663
Less than the estimate by	-	501,808
The average of 1786, 87, 88, was	-	12,468,092
Less than the estimate by	-	329,376
The average of 1786, 87, 88, 89	-	12,653,537
Less than the estimate by	-	143,934

Thus all the accounts in which the great increase of the revenue had been blazoned forth, for four years, had been circulated for the purpose of deluding the Public, and obtaining an easy concurrence to the progressive increase of annual expences.

The average of 1786, 87, 88, 89, 90	-	£.12,879,308
Exceeding the estimate by	-	81,837

If the calculation, Mr. Sheridan said, were made on the amount of the permanent taxes, and the land and malt, the result would be still more unfavourable to the estimate of the Committee of 1786. That Committee, besides the taxes on which they calculated, pointed out various additional aids, so that the Public had a right to expect a considerable surplus above their estimate. The Chancellor of the Exchequer had not been sparing of regulations; he had modified and amended tax bills with all the effect of new taxes, and extended the odious system of Excise, and yet, with all these helps, the average produce of the revenue, since that estimate was made, gave only the inconsiderable excess above stated—Gentlemen must own, that there never was a period more favourable to the increase of the revenue in all its branches, or than which a more favourable could be expected. Now, in the produce of 1790, which alone had saved the credit of the Committee of 1786, even in appearances, there were circumstances which contributed to swell the amount that could not be expected to be permanent. The produce of the fifty-third week, which came in only once in six years, was 193,000l. By the additional duties on spirits, imposed before Christmas, about 100,000l. had been brought into the account of that year, which was only an anticipation of the receipt of the next year. The duties on spirits exceeded what they produced in 1786, by 500,000l. There was also an extraordinary increase on tea, wood, and tobacco. It had always been admitted, that putting tobacco under the Excise laws, would increase the revenue for a short time; but it was denied that the increase would be permanent. It remained to be seen whether it would be so or not. The Committee of 1791 said the increase of revenue might be relied on, be-

caufe it was on articles of genèral confumption. The articles ftated were fo, but on many other articles of general confumption there appeared, from the accounts, to be a decreafe. In the two laft years, 240,000l. had been taken out of the hands of the Receiver General of the Cuftoms, which was confidered as a floating balance not likely to be diminifhed; but whether diminifhed or not, it could not come in aid of future years.

On looking at thefe, and other articles, Mr. Sheridan faid, he did not think that the receipt of 1790 would be permanent. The felect Committee had very properly diftrufted the receipt of that year, and founded their eftimate on an average of three years. As he meant to follow their report as clofely as he could, his refolutions were founded on that average. The expenditure fince 1786 exceeded, on an average, the calculation of the Committee by about one million. This excefs had been defrayed by extraordinary aids, which were now firft properly brought forward, and claffed in the report of the felect Committee. They amounted to fix millions; and by fo much fince 1786 had the annual expence exceeded the permanent annual income. From the account of extraordinary aids, the Committee excluded the Dutch loan; now if the inftalments by which it was repaid were paid into the hands of the Commiffioners for reducing the public debt, that exclufion would be proper; but as they were added to the ways and means of the current year, the repayments would be fpent while the annuity on which the principal was raifed, remained, and would be as much an addition to the public debt as any other whatever. He was not lefs furprifed, he faid, at another paffage of the report. After ftating the extraordinary aids, it added, "From the "nature of the articles, which have compofed thefe extraordinary aids, it is evidently impoffible to form any eftimate "of what farther receipt may be expected under fuch of "thofe heads, as can recur in future." This feemed to imply, that fome of thofe aids might be expected to be efficient, or that fomething confiderable might be ftill expected from the whole. He afferted, that none of them could be efficient to any degree, except the lottery. The refpited arrears from the India Company, amounting to 522,500l. being paid, could produce nothing for a future year. The arrears of land and malt due before 1786 had gradually diminifhed to a very fmall fum, and were now exhaufted. Of the impreft monies and monies repaid, amounting to 820,165l., 600,000l. was received from the India Company for the expence of troops in India. This ought rather to be confidered as a loan than an aid, becaufe it was a claim which the Company had always difputed. A right honourable gentleman

(Mr. Dundas) had, indeed, said, "Let us get the money, "and see how they will get it back;" but if there were not a certain management, he would not say, collusion, between Government and the Company, there could be little doubt, but that they would get it back on the fair construction of the act of Parliament, on which it was demanded. This appeared to swell the payments under that head for the last two years to a large amount; but if it were deducted, the produce of imprest monies, and monies repaid, had fallen to nothing.

The repayments of the Dutch loan, Mr. Sheridan said, as he had already shewn, must either be applied to the extinction of debt, or the sum lent, added to the increase of funded debt. The army savings, which had arisen from the issues of the war, were no longer productive; in short, not one of the heads of extraordinary aids could be looked to in future, except the lottery, if Parliament should think fit to continue it; and he should never think the finances in a flourishing situation while so mischievous a source was resorted to.

Such being the future prospect of the revenue, what was the state of the expenditure? The Committee of 1786 estimated the navy at 1,800,000l.; the Committtee of 1791 estimated it at 2,000,000l. What confidence could the public give to such estimates, when they saw such an increase, without any reason assigned for it, and when they saw a sum voted for the current year considerably exceeding the highest estimate? The Committee of 1791 had not stated any time at which a peace establishment, according to their estimate, might be expected; and in forbearing to do this, they had been wiser than their predecessors. He wished that Ministers would try a peace establishment, if it were but a year or two, by way of experiment, to see how the circumstances of the country could bear it. The estimate of the army in 1786, was 1,600,000l. in 1791, it was 1,748,842l. The ordnance in 1786, was 348,000l. In 1791, it was 375,000l. The noble Duke, at the head of the ordnance, stated such reasons for the increase, as shewed that new articles were always likely to arise, and that no estimate was to be depended on. The noble Duke, who was a great economist, and had many qualities that fitted him for his department, if he were not so great an engineer, added reasons to his estimate, and then shewed how little faith was due to it.

Mr. Sheridan said, that he had now run over the heads on which his resolutions were founded; and he requested, that when the Chancellor of the Exchequer heard them moved, he would not negative or move the previous question upon them, unless he could shew that they were false. He said

this, because he had moved resolutions on the report of the Committee of 1786, which, though as clear in point of fact, from the report, as that two and two make four, the right honourable gentleman had negatived, on pretence that they contained facts indeed, but facts which it was not necessary to declare. It was hardly needful, Mr. Sheridan said, to read the whole of them, because they were not a series of logical deductions, but independent facts, and he should move the first.

Mr. Pitt. Mr. Chancellor *Pitt* wished to hear the whole, because the object of the Committee was not merely to inquire, whether the resolutions were true or false, but whether they were material to declaring the state of the finances, as it appeared in the report of the select Committee.

Mr Sheridan. Mr. *Sheridan* then read his resolutions, with comments on each. The last, he said, was an inference from the whole, which, if true, it was a duty which they owed to their constituents to declare.

Mr. Pitt. Mr. Chancellor *Pitt* rose as soon as the resolutions had been read, and remarked, that in the manner in which they had been now read, it would be utterly impossible, at the first view, to enter into the variety of detail, or follow these resolutions through the multiplicity of calculations. At the same time he expressed his desire that, they should undergo a full and fair discussion. There were some of them, he said, with which he agreed; others to' which he would dissent, but upon the general view, he did not think that they needed be put to the question; and the conclusion which he would draw from the whole would be essentially different. He therefore wished, that for the present, the honourable gentleman would only move his resolutions, and leave them to be considered. Mr. Pitt said, he likewise was willing to read the resolutions on the other side, in order that gentlemen might be furnished with the means of comparison, and be enabled to come fully prepared for the discussion. His object was to render the statement of the business so plain, that every man in the country might be fully acquainted with a subject, in which certainly he was most materially interested, the situation of its finances.

Mr. Rose. Mr. *Rose* thought it would be best to move the resolutions, and have them printed; which, though not strictly regular, might be done by a general concurrence.

Mr. Sheridan expressed his assent to this method.

Mr. Fox. Mr. *Fox* said, he had no intention now to enter into debate, but something had fallen from the right honourable gentleman, for which he was sorry. With some of the resolutions he had expressed his agreement, to others his dissent, but that upon the general view he thought that they needed

not

not be put to the queſtion. Now he was of opinion, that every one of the reſolutions of his honourable friend ought to receive an aye or a no. The public ought to be convinced whether theſe reſolutions were ſupported merely by the authority of an individual, or founded upon facts.

Mr Pitt.

Mr Chancellor *Pitt* had no objection to go into the detail; but this, he ſaid, was a point which muſt depend upon the diſcuſſion that ſhould afterwards take place. In the mean time, he did not think the authority of one individual ſufficient to call the Houſe to decide upon reſolutions, which were not, upon the general view, deemed of importance. Monday he reckoned might be a fit day for the diſcuſſion. Mr Pitt then read ſeven propoſitions, drawn up by himſelf and a few friends, who, he ſaid, had taken great pains with the ſubject. As to extraordinary expences and extraordinary reſources, neither of theſe, Mr Pitt ſaid, he had taken into conſideration. If it ſhould be thought neceſſary likewiſe to bring forward theſe, they would form two other reſolutions. He truſted now that gentlemen, being in full poſſeſſion of all the materials of diſcuſſion, would be enabled to come to a decided concluſion on the ſubject.

Mr. Fox.

Mr. *Fox* roſe again and ſaid, the chief object was not, in his opinion, the reſult that the Houſe would form, but which the public at large would form; for though they had not in common with the Members of that Houſe, the advantage to be drawn from the power of reforing upon figures, yet they could eaſily diſtinguiſh what were facts decided upon by the authority of the Houſe of Commons, and ground their opinion upon thoſe facts. He repeated, that it was his earneſt wiſh to have on every propoſition a diſtinct affirmative or a diſtinct negative.

Mr Pitt.

Mr. Chancellor *Pitt* ſaid, that he had no objection to thoſe facts which ſhould lead to a concluſion.

Mr. Sheridan.

Mr *Sheridan* ſaid, that his object was not merely to ſtate facts and figures for the information of the Houſe and the country; he wanted likewiſe ſomething to be done. He wanted the Houſe to diſapprove of the extraordinary expence, that the Miniſter might be called on for an explanation. If the expence of the eſtabliſhments, he obſerved, ſhould ſtill increaſe with the revenue, a ſyſtem would be eſtabliſhed of the moſt laviſh prodigality. The propoſitions of the right honourable gentleman, he ſaid, were in general fair and explicit; with the firſt, however, he could not concur. The income of theſe five laſt years had not exceeded the eſtimate of the Committee of 1786; for they had aſſerted, that if certain laws were enacted for the protection of the taxes, they would produce ſo much more. On that ground he would negative the firſt reſolution. They had likewiſe ſaid,

that

that the extraordinary expences would be defrayed by the extraordinary receipts: in this too they had failed, for a loan had become necessary.

Mr. Thornton

Mr. *Thornton* said, he could not but feel some alarm, as a Member of the select Committee, when the honourable gentleman gave notice of his intention to come forward with thirty-five resolutions, partly grounded on the report of the Committee; he was happy, however, to find that the whole subject was to undergo a regular and deliberate discussion on Monday.

At length the Chairman was directed to report progress, and the Committee were, upon motion in the House, ordered to sit again on Monday.

Mr. Benfield.

Mr. *Benfeld* was then called on from the Treasury side of the House to proceed with his comments on the East-India budget, but he excused himself from entering upon a long detail of figures at that late hour, and named Tuesday next, which was agreed on.

Mr. Pitt.

Mr. Chancellor *Pitt* observed, that as they had not any private business on the table, he hoped, that on Monday and Tuesday, gentlemen would come down early, and enter upon business at four o'clock each day precisely.

The House adjourned.

Monday, 6th June.

The adjourned debate on Mr. Cecil's Divorce bill, according to the order of the day, being resumed, and the question being put, "That this bill do pass,"

Mr. Baker

Mr. *Baker* wished to call the attention of the House to the bill then before them, in which there did not appear to him to be sufficient provision made for Mrs. Cecil. Mr. Baker stated that Mrs. Cecil had brought Mr. Cecil a very large fortune, consisting of an estate of 6000l. per annum, and many thousand pounds in cash. That Mr. Cecil had run through the greater part of both. That after having come to the knowledge of one criminal fact, he had forgiven it, and imprudently delivered Mrs. Cecil into the hands of the adulterer. The latter fact, Mr. Baker said, was not in proof before the House, but he had heard it from a quarter which left no doubt within his mind of its authenticity. Mr. Baker remarked, that the House, in the consideration of Divorce bills in general, paid too little attention to the provision for the lady, and as he could not but conclude, that when apprized of such facts as he had stated, in a case of A. and B. (or any indifferent parties, who were not of rank and expectation in the country, from their near alliance to a noble Earl), the House would not pass such a bill as the present, he was content with having done his duty, and

would

would leave it to the Houſe to act as they thought proper.

This gave riſe to a ſhort debate.

Mr. *Powys* ſaid, what the honourable gentleman had ſtated, would have induced him to oppoſe the bill, had he not underſtood that a noble Lord had engaged to pay Mrs. Cecil an annuity of 1000l. a year, and that ſhe was perfectly contented with the bill as it ſtood at preſent.

Mr. Powys.

Sir *George Howard* informed the Houſe that he had the preceding day received a letter from Mrs. Cecil's agent, acquainting him, that ſhe was perfectly ſatisfied with the proviſion ſhe had already, and the annuity Lord Exeter had engaged to allow her of 1000l. a year. Sir George ſaid, the agent was in waiting ready to come to the bar of the Houſe, and give an anſwer to any queſtions they might pleaſe to put to him.

Sir Geo. Howard.

Sir *William Scott* remarked, that there were in the caſe three parties, Mr Cecil, Mrs. Cecil, and the Houſe, whoſe duty it was to ſee that proper proviſion was made for the lady in the bill. Conſent of parties, Sir William obſerved, was always a circumſtance of ſuſpicion in caſes of that nature, and ought to operate rather as an alarm to the caution of the Houſe, than as a circumſtance tending to ſatisfy them that their duty was performed. he wiſhed that the agent for Mrs Cecil might be called in.

Sir Wm. Scott.

Mr. Grey was then called to the bar, and upon being queſtioned by Sir William Scott, Sir George Howard, Mr. Sheridan, Mr. Baker, and Mr. Huſſey, aſſured the Houſe that Mrs. Cecil gave her free conſent to the bill, and was ſatisfied with the intereſt of ſeventeen thouſand pounds, which ſhe was entitled to by her marriage ſettlement, and an annuity of 1000l. which Lord Exeter had engaged to pay her and to ſecure on his eſtate, in lieu of her pin money. After ſome farther converſation, and Mr. Grey being withdrawn,

Mr. Fowkes, agent for Mr. Cecil, was called in and examined, when he confirmed what Mr. Grey had ſaid, and ſtated that Lord Exeter had engaged to ſecure the annuity of £. 1000 to Mrs. Cecil on eſtates at his own diſpoſal, and in which he had a better intereſt than being tenant for life, and that he, (Mr. Fowkes) was ready to give his undertaking for Mr. Cecil's conſent to ſuch annuity being ſecured on that part of Lord Exeter's eſtate in which he had a joint intereſt.

Another converſation took place after Mr. Fowkes had withdrawn, when Sir John Ingilby preſſed much for that being done by the bill, which the agents had told them would be done by conſent of parties. Sir John painted the hard-

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ſhip of the caſe on the part of Mrs. Cecil in ſtrong colours, alledging that the eſtate ſhe brought Mr. Cecil was a noble one, that he had diſſipated her fortune, that the parks were plouged up, the timber cut down, and the whole in the hands of Mr. Cecil's creditors.

Mr. Sheridan. Mr. *Sheridan* thought with the honourable Baronet, that a clauſe for the purpoſe of ſecuring the annuity of 1000l. to Mrs. Cecil ſhould be inſerted in the bill, and therefore he wiſhed the motion were withdrawn.

The Speaker. The *Speaker* ſtated, that the queſtion had been put on a former day, and the debate on it adjourned, there was ſome difficulty therefore in the matter, as it was not uſual to withdraw a motion that had appeared in the votes, it was a difficulty, however, which the Houſe could certainly ſurmount if it thought proper.

This brought on a ſhort queſtion of order, in which Mr. Powys, Mr. Roſe, and Mr. Sheridan, took part, but on Sir William Scott's declaring, that in the preſent inſtance his doubts had been removed by what the Houſe had heard from the agent, and that he was ready to give his conſent to the bill, he, however, would ſeriouſly recommend it to the Houſe to pay more attention in future to the proviſion made for the female, in caſes of divorce, than they had been accuſtomed to do. The queſtion was now put, when the Houſe divided;

Ayes, 48; Noes, 21

Mr. Benfield. Mr. *Benfield* now roſe, and obſerved, that his object, in anſwer to what Mr. Dundas had lately ſtated on the ſubject of Indian finances, was to move for a Committee to inquire into, and examine the grounds of Mr. Dundas's alledged ſtatements; but as the advanced period of the ſeſſion rendered it highly improbable that any ſuch Committee ſhould be granted, or if granted, could be carried into effect, he would wave troubling the Houſe any further on the ſubject at preſent, but wait patiently till another ſeſſion, when, as the matter was of infinite importance to the country, he hoped it would be taken up by ſome abler hand, declaring, as he then did, that be that gentleman who he would, he ſhould freely command his beſt aſſiſtance.

Mr Grey. Mr. *Grey* then roſe, and obſerved, that from the period of the ſeſſion, it was perfectly impoſſible for the Committee appointed to inquire into the ſtate of the different jails, &c. to make that progreſs they had wiſhed, or to do any thing effectual, till the next ſeſſion of Parliament: he was, however, anxious to have it clearly and diſtinctly underſtood by that Houſe, and the Public at large, that he did not mean to introduce any thing like the principle of an inſolvent debtor's act; but what he propoſed was upon other, and, he truſted, better

better principles; upon principles as much calculated for the security of the creditor as the relief of the debtor. He mentioned this, that those unfortunate men confined in the King's Bench, and other prisons, might not entertain groundless hopes of what was not likely to happen, and thence be induced to go into any improper excesses, as they had lately done, which could serve no purpose upon earth but to hurt themselves in the end, and defeat the very object they aimed at. In order that the Committee might be enabled to prosecute this business with greater advantage in the next session, Mr. Grey said he would move,

"That there be prepared, in order to be laid before this "House in the next session of Parliament, Lists of the names "of all the persons who shall be confined for debts on the "1st day of October, 1791, in the several prisons within the "kingdom of England, the Principality of Wales, and the "town of Berwick upon Tweed, distinguishing whether "such persons are so confined in execution or upon mesne "process, and specifying the particular sums for which such "persons are charged respectively, and the times when they "were first committed, and which of them are married and "have children, as far as it can be done; and also specifying "how many of the said debtors receive allowances under the "acts commonly called the Lords Acts; and that, with "such lists, there be also sent an account of the greatest "number of persons confined for debt at any one period in "each year, since the year 1780, in each jail, and how "many debtors have died in each jail since the year 1780, "the amount of their debts respectively, and the time for "which each was confined, and distinguishing the Courts "out of which the process issued, and for which such debtors "are confined."

Mr. Burton.

Mr. *Burton* said, he was not going to object to the motion, but to propose an amendment to it. What he meant was, that there should be added to the motion, an account, distinguishing the Courts that issued the process, by which such persons were confined. His reason for this, Mr. Burton said, was, because there were some Courts in the Kingdom, that imprisoned for very small sums, and which Courts did not exist elsewhere. Mr. Burton complained of the extreme hardship of confining debtors for several years for very small sums. He mentioned an instance which had fallen under his knowledge, and which had happened in a principality with which he had the honour to be connected, of a woman who had been detained in prison, some years, for a debt which originally amounted only to eighteen pence, and which, by costs, had been mounted up to twelve pounds, till at last her case had attracted notice, and she was released by a subscrip-

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tion. Other similar instances might be mentioned. This evil, he thought, demanded a remedy; and therefore proposed, as an amendment to the motion, "That there should "be laid before the House the processes originally instituted "against those debtors who were confined, &c."

Mr. Grey. Mr. *Grey* said he was extremely obliged to the honourable gentleman for his amendment, which was added to the motion.

Mr. Grey next moved, "That the said order be sent to "the Sheriffs of the several counties in England, Wales, &c. "and that copies of the same be transmitted by them to the "jailors and keepers of all the prisons where debtors are con-"fined within their respective counties."

Mr. Ald. Le Mesurier. Mr. Alderman *Le Mesurier* expressed a doubt of some difficulty respecting detainers that were often lodged against prisoners, and which prevented them from being discharged. He said, he only spoke of Newgate, the practice of which jail he had become acquainted with, in consequence of having served the office of Sheriff for London and Middlesex.

Mr. Grey. Mr. *Grey* said, his motion was rather intended with a view to obtain information from the distant parts of the country, than from the metropolis.

Mr. Burton. Mr. *Burton* observed that he was not sure whether the words of the motion were sufficiently extensive; in a great many counties there were inferior franchises, which had a local jurisdiction, and where prisoners were confined for debt. He thought the words of the motion ought to be made extensive enough to reach every jail.

Mr. Mitford. Mr. *Mitford* said, he had intended this session to have brought in a bill in order to change the law as practiced in some of the Courts in Wales by repealing an act that passed in the reign of Henry VIII.

Both Mr. Grey's motions were agreed to.

Mr. Hippesley. Mr. *Hippesley* rose to make his promised motion, which he had withdrawn on a former day, respecting the pay of the troops in India, which, he observed, in its consequences, was a subject of as much importance as had been brought before the House this session. His object was, to vindicate the just claims, and offer some future security to a valuable description of men, who had fought patiently and bravely under accumulated difficulties, and whose unprecedented sufferings could be equalled only by the willing spirit, the fortitude, and perseverance, which enabled them to act under them. That on the fidelity and attachment of this description of men depended the existence of the British empire in India. Mr. Hippesley observed, that when he stated the grounds of his present motion in a former debate, a right honour-

honourable gentleman (Mr. Pitt) thought it neceſſary that vouchers ſhould be brought to the ſeveral facts, before it could be entertained by the Houſe: that in conſequence, Mr. Hippeſley had written to ſeveral officers of rank, and the Paymaſter of the Southern army, in the laſt war, whoſe replies he had printed and circulated among the Members of the Houſe. Mr. Hippeſley had alſo moved for the production of a letter from Colonel Fullarton, Commander in Chief of the Southern army, to the Government of Madras, which letter was on the table, from which Mr. Hippeſley read ſome extracts, ſtating, that the large arrears due to the troops, and other grievances, rendered it almoſt impracticable for officers to maintain diſcipline in their corps, happy if they could prevent mutiny among men, who, brave and faithful as they undoubtedly were, could hardly be reſtrained from clamour, when reduced to procure ſubſiſtence, by ſelling their own children! Such facts, Mr. Hippeſley obſerved, had fallen within his own knowledge, as well as Colonel Fullarton's; and he ſubmitted to the feelings of the Houſe, what ſort of diſtreſs that muſt be, when conflicting with the extreme attachment every native of the Eaſt is known to cheriſh for his family. Mr. Hippeſley then ſtated the teſtimonies to the merits and ſervices of the officers of the Eaſt India Company, whoſe diſtreſſes had been little ſhort of what had been endured by the native troops; that they were habituated to act in emergencies with a facility that few ſubordinate officers in Europe ever had a proſpect of acquiring; that their zeal, knowledge, and ability, was ſtrongly exemplified during the laſt war; that their humanity had not been leſs conſpicuous than their judgement and diſcretion, in ſoothing the ſufferings of their ſoldiers, relieving their wants, and reſtraining, as far as poſſible, the well-grounded clamours of men, whom the public exigences had left in the extremity of diſtreſs. That Colonel Fullarton had alſo wiſely obſerved, that the Public ſhould ever be watchful and liberal to confirm the attachment of the ſepoys; that by their good conduct, their ſettlements had hitherto been preſerved; and to them muſt we look for after ſtability; let them receive the common juſtice due to every ſoldier; let them be regularly paid, and enabled to ſubſiſt their families. Mr. Hippeſley then proceeded to ſtate rhe diſtinction which obtained, laſt war, in the ſouthern provinces, in the mode of paying the King's and Company's troops, whoſe merits were confeſſedly equal, but whoſe treatment, with reſpect to the payment, had been widely and painfully diſſimilar. The King's troops, in the garriſons and field, he could ſtate from his own knowledge, were always paid their ſubſiſtence two months in advance, and in gold, purchaſed generally at

a premium for that express purpose, while the Company's troops, on the same duty, received their pay in the debased currency of the provinces, on which they suffered an immediate loss, often of 12 or 15 per cent. That while the King's troops were two months in advance, the native troops were from ten to twenty months in arrear. That Colonel Fullarton had in some instances taken on himself to regulate the exchange in favour of the troops, but this was rare, and at his own risque, being authorised only by his humanity. That the sepoys were generally burdened with large families, from the custom of early marriages; their situation, therefore, was the more distressful. Mr. Hippesley then stated the mode of liquidating the arrears of the army by paper; on which the troops sustained a loss, on an average, of 50 per cent., as the paper could only be exchanged for bonds, when audited, which bore nearly as high a discount at Madras; and that at Bombay the Company's bonds were to be purchased, at the same period, at 65 or 70 per cent. discount. Mr. Hippesley observed, that he was very sorry he did not see an honourable Member present, (Major Maitland) who had promised him, whenever he should bring forward this motion, that he would do justice to it; and would say, in his place, that from his own experience he could vouch, that many of the Company's officers were driven to the sad necessity of even asking a dinner from the King's officers, with whom they were serving, though on so unequal terms in point of payment. Mr. Hippesley paid a very handsome compliment to Mr. Burke, the King's Paymaster General in India, who had often been placed in situations of great difficulty, which called for the exertion of all his judgement and accommodating disposition, as well as the exercise of his personal credit, in keeping up the payments to His Majesty's troops. Mr. Hippesley then adverted to a variety of other proofs in his hand, and to the letters of Colonel Fullarton, Sir Henry Cosby, and Mr. Digby, which he had printed, and delivered in circulation to the Members, from himself, to evince the necessity of reform.

Mr. Hippesley then moved,

1. "That it appears to this House, that the payments to His Majesty's troops serving in India, and those of the East-India Company, ought to be kept as equal as possible; and that the respective payments should be so ordered, that the troops of the said East India Company should not be exposed to any delay or loss, by exchange, or otherwise, from which His Majesty's troops serving in the same garrisons or districts, may be exempted."

2. "That if any arrears to the troops should, during the present war in India, be unavoidably incurred, the liquidation

tion of such arrears should take place of all other disbursements, and in such manner as to secure the troops from any eventual loss whatever."

3. "That it is the duty of those entrusted with the direction and controul of the affairs of the East-India Company, to concert such measures with His Majesty's Secretary at War and Paymaster General, as may most effectually secure the observance of a regulation so necessary to preserve harmony in the service."

General Smith.

General *Smith* rose to second the motion. He complained of the hardships which were suffered by the sepoys, from the manner in which they received their pay. It might be wondered, he said, how they could at all contrive to subsist with such large arrears due to them as had been stated by his honourable friend: but they had an allowance of a certain quantity of rice. Yet notwithstanding, such was the extremity to which they were reduced, that they would come and offer to the Paymaster for one guinea, what to them was worth seven or eight pounds, and would even have recourse for a subsistence to the shocking expedient of selling their own children. The General went over much of the grounds, before stated, in support of Mr. Hippesley's motions. He, in particular, stated the case of six regiments of native cavalry last war, whose pay had been suffered to run several months in arrear; these regiments were up the country many miles from the main army, when they mutinied, and confined their officers; the consequence was, the army was obliged to march to the six regiments, in order to restore discipline, and set the officers at liberty. When they came up with them, they demanded instant and unconditional submission from the six regiments, and he was sorry to say, that two of the most forward of those concerned in the mutiny were blown from the mouth of a gun. The General commented on this fact, and observed, that it was usual to pay the sepoys in bills, and that they frequently sold a bill of eight or ten pounds, for two guineas, two guineas and a half, or three guineas, and that there was notice given them, in common, that at a public office in Madras, they might have their bills discounted.

Mr. Dundas.

Mr. *Dundas* acknowledged that the evils which were now complained of, had existed ten years ago, but, he said, he had no reason to believe that they would ever return. Disputes, indeed, sometimes happened between His Majesty's and the Company's troops, relative to the inequality of their situation, chiefly in respect of rank. But he could not but object to a motion which had been brought forward, unsupported by any new facts, while he gave all credit to the generous and humane intentions of the honourable mover.

At the same time he suggested, that if any evil could be proved to exist, application was open to him in his official capacity, and the means of redress would speedily be provided.

Mr. Hippesley

Mr. *Hippesley*, in reply to Mr. Dundas, observed, that his wish in bringing forward those motions was by no means to embarrass the executive Government in India, but that he was wholly actuated by a sentiment of duty towards a service of which he had been a Member, and from a commiseration of the hardships which he had himself witnessed. He could by no means, he said, agree with the right honourable gentleman (Mr. Dundas) that there was no probability of the future existence of these evils. They had existed in the late war, principally from the want of resources, and a misapplication, at the conclusion, of such as they had; in March (last year) General Meadows writes that "a long arrear was "then due." What might it be now, asked Mr. Hippesley, and what probably in future? Mr. Hippesley said, that if the right honourable gentleman would give him assurances in his place, that orders should be sent out equivalent to the provision of his motions, he should be well satisfied to rest on the word of the right honourable gentleman so pledged, as he could have no object but the good of the service. Mr. Hippesley concluded with observing, that as our army was at present infinitely greater than during the last war, and our resources less, of course, the probability of the same, or greater embarrassments occurring, was but too probable, if the war was long protracted, and the Company's troops should not be exposed to such a contingency.

Maj. Scott.

Major *Scott* said, that being appealed to by the right honourable gentleman (Mr. Dundas) he rose with great pleasure to assure the House, that on settling the arrangement of rank between His Majesty's and the Company's Officers, when he had the honour to be one of the Committee who attended the right honourable gentleman, he found him to be most completely disposed to do every thing in his power to remove every just cause of complaint; and from what he then saw of that right honourable gentleman's free and candid dealings in that instance, he should rest fully satisfied with a declaration from him, that he would take effectual means to remove that very serious grievance which prevailed in the last war, owing to a very invidious distinction in the mode of issuing the pay to the King's and the Company's forces. The Major said the Company's army had great obligations to the honourable gentleman (Mr. Hippesley) for the mode in which he had brought the present motion forward to the notice of the House. Though not a very old Member, the Major said, he was still old enough to recollect,

lect, that the existence of those distresses, which had been so ably stated, and so well and ably seconded by the honourable General had been strongly disputed in that House; but as the fact seemed now to be universally admitted, he should say no more of it at the [illegible] moment.

As Mr. [illegible] apprehended from Mr. Dundas that orders would be sent out to the [illegible] desired purport, the order of the day was called, which put an end to the debate.

The order of the day being read for the House to take into farther consideration the report of the Finance Committee of 17[illegible], Mr. Jodrell took the chair.

Mr. Sheridan

Mr. *Sheridan* expressed his satisfaction that the adjournment of the consideration of his resolutions had taken place, as it had given the [illegible] to consider them, and he was sure that the more they were considered, the more they would be acquiesced in. He observed that it would be the less necessary for him then to trouble the House at any length, as he had gone into the [illegible] only on Friday last. He was, he said, sorry to declare that he must differ from the resolutions which had been brought forward by the right honourable gentleman, (Mr. Pitt.) Those resolutions were extremely short, and few in number; his own resolutions were much more numerous. The first statement of the right honourable gentleman over the [illegible] was, "that the average pro-"duce during the last five years of the taxes imposed pre-"vious to the year 1786, has exceeded the amount ex-"pected [illegible] the Committee, appointed in the year 1789 to "examine the public income and expenditure." That resolution, Mr. Sheridan said, he must contradict. The other resolution of the right honourable gentleman, he observed, merely stated, that all the expenditure of the last five years had been defrayed either by the ordinary income, by extraordinary income, or by certain sums that had been borrowed; which no doubt was exactly the method by which the expenditure in all parts of the world must be defrayed; in such information therefore, there was nothing very important or very striking.

Mr. Sheridan, having read over, in a summary way, the seven resolutions brought forward by the Chancellor of the Exchequer, declared that he conceived they did not contain any great intelligence. He said, he thought it his duty to go more at length into the subject; and he had endeavoured to shew how diffident a Committee should be, when they were endeavouring to prove, what would be the probable amount of the future revenue and expenditure. The Committee of 1786 on that subject, fell short by about 500,000l.; and he contended, that all the accounts that, year after year, had been laid before the public by the right honourable gentleman,

tleman, were absolutely fallacious, and that the predictions of the select Committee, had completely failed. He had thought it a part of his duty, Mr. Sheridan said, to shew, that the average of two, three, and four years, had fallen considerably short of the sum estimated, and that the extraordinary resources of last year had been very great, and had enabled them to say that, on the average of the last five years, the income did exceed the expenditure by about 51,000l. The right honourable gentleman had not only, he said, thought it sufficient to state that our expence had been defrayed by our income, but he had also thought it right and necessary to state what the enormous amount of those expences had been, in the course of the last five years, and the resources also, and to direct the attention of the public to the unfortunate circumstance of its not being likely, that our expences would diminish, when our extraordinary resources were nearly exhausted.

There was, Mr. Sheridan said, another extraordinary circumstance highly worthy of observation, namely, that the Finance Committee of 1786, with a great degree of confidence, had laid down a peace establishment that was to have taken place at the end of the year 1790; the report of the Committee of 1791 had added between 4 and 500,000l. to that peace establishment, without alledging a single reason for so great an increase. He said, he had stated that fact, merely to shew what little reliance was to be had on the Committee of 1786; and he believed that Committee was just as likely to be right as the Committee of 1791. Mr. Sheridan contended, that while an annuity to the amount of 111,020l. had been redeemed by the Commissioners, on behalf of the public, in the form of debt repurchased, an annuity of four times that amount was proposed to be entailed on the nation in the form of increased establishment. He wished, he said, to come to his last resolution, which if the Committee would grant him, he would willingly wave all the rest. He thought he had a right to have that resolution granted him, simply on the ground of the difference between the report of the Finance Committee of 1786, and that of 1791, with regard to the amount of the peace establishment. Here Mr. Sheridan read his last resolution to the Committee, which was "That upon a due consideration of "all these circumstances and accounts, this Committee "feel it to be their indispensible duty to declare that the "great increases proposed to the permanent peace establish-"ment in the report of the select Committee of 1791, "ought not to be considered as receiving countenance or "approbation from the House of Commons until the causes "of the same shall be fully explained, and the necessity of

"them

"them made manifest." If the Committee would but give him the last resolution, (Mr. Sheridan repeated it) he was ready to give up all the rest. He then concluded with moving his first resolution viz, "That it appears that the select "Committee of 178[illegible] proceeded upon a supposition that the "annual and permanent taxes then subsisting, were likely "to produce annually the sum of [illegible]." The Chairman having put the question on this resolution,

Mr. Chancellor *Pitt* rose and observed, that he did not mean to trouble the Committee much on that resolution. He assured them, that he was so far from feeling any desire to agree to the compromise proposed by the honourable gentleman, viz. that if he (Mr. Pitt) would [illegible] him his last resolution, he (Mr. Sheridan) would [illegible] the discussion of all the rest, he was so far [illegible] resolution to accede to such a proposition, [illegible] honourable gentleman, that he was [illegible] ready [illegible] to discuss all his other resolutions, one by one, and likewise to discuss the last, on which he should [illegible] a negative. He wished, however, to [illegible] amendment to the first resolution of the honourable gentleman. He observed that the honourable gentleman [illegible] to think that his (Mr. Pitt's) resolutions [illegible] point of information; he begged leave [illegible] what his resolutions went. They stated [illegible] whole, during the period that had elapsed [illegible] the Committee of 1786, the amount of the revenue [illegible] had exceeded the expectations entertained by that Committee. If such a thing were material, Mr. Pitt conceived the information contained in his resolutions, was material. In the next place, the resolutions proved that all their expenditure had been defrayed, and shewed how it had been defrayed. The peace establishment had not been calculated to have taken place, during the five years, although during that period very large expences had been incurred, a natural object of curiosity therefore was, the methods by which they had been able to defray them. The honourable gentleman, had said, that there was no novelty in informing him that the expenditure was defrayed either by the ordinary or extraordinary income. That, Mr Pitt declared, had been a subject of a great deal of discussion in the House, and there had been repeated imputations, both in that House and elsewhere, that it was impossible for them to shew the means they had to enable them to pay such [illegible] sums. As there was much doubt, whether they could point out the precise means by which the expenditure had been so defrayed, and when all the doubts had been encouraged, he trusted it was not too much to state, plainly and simply, how it had been defrayed.

Mr. Pitt.

He had ſtated, Mr. Pitt ſaid, in a way that was intelligible to the public, that it had been defrayed by the produce within the five years of the permanent taxes, by the annual aids on land and malt, and by the ſums ariſing from extraordinary reſources, with the addition of a loan of one million raiſed by tontine, and 187,000l. raiſed by ſhort annuities. Theſe, he ſaid, did not appear to him to be uninteresting points to be aſcertained.

After the debt that had been actually paid, Mr. Pitt ſaid, the next thing was the eſtimate of their probable income and probable expenditure in future. Whether theſe things were truly ſtated or not, was matter of diſcuſſion. His idea was, that the whole of the buſineſs ſhould be concentered into a few leading points which were intelligible to all, and which might be underſtood by every one; and that they ſhould not go into a great variety of propoſitions to diſtract the attention and embarraſs the judgement. On that ground it was, that he had brought forward his propoſitions, and on that ground, he, for one, was of opinion, that the reſolutions of the honourable gentleman rendered the ſubject complex, and prevented the truth from being clearly aſcertained. He had very material objections to a great number of theſe reſolutions, which even when ſtated correctly, for thoſe he maintained were not, would rather perplex and encumber, than elucidate the ſubject. On that ground, Mr. Pitt ſaid, he ſhould certainly object to a great many of theſe reſolutions; he ſhould negative ſome and make amendments to others. Many of them, he ſaid, did not convey to the public a juſt impreſſion of the ſubject. The honourable gentleman had ſaid, that he (Mr. Pitt) had only given the ſtate of the revenue, compared with the expenditure, during the laſt five years; and the honourable gentleman himſelf gave ſeveral averages. He had given the averages of two, three, four, and five years, and had made no diſtinction between the permanent and annual taxes, but had given all the paſt, actual, income. That, Mr. Pitt maintained, he could not give, becauſe, during ſeveral of thoſe years they had not the land and malt. But ſuppoſing the honourable gentleman could have gone through his averages, he had either taken too many or too few. The queſtion ſimply was, whether, ſince 1786 the revenue and expenditure had exceeded each other, and in what degree. Mr. Pitt in continuation ſaid, he objected to the ſeries of thoſe reſolutions, ſo framed, on the mere ground, that they calculated the contraſt of expenditure, ordinary and extraordinary, with the ordinary income alone, and had not, as they ought to have done, taken in the extraordinary income. There was, he ſaid, hardly one of the reſolutions, in which the honourable gentleman

ſtate-

ſtated the expenditure, which was not objectionable. Becauſe the Committee of 1786, and that of 1791 had differed reſpecting the amount of the peace eſtabliſhment, the inference that had been drawn from that was, that no eſtimate whatever could be depended on. This, Mr. Pitt ſaid, appeared to him, a very ſtrange concluſion. It was not very extraordinary for the Committee of 1791, ſeeing ſeveral particulars in which the Committee of 1786 had failed, to have made a proviſion for that failure in future; and it was not to be wondered at, that the Committee of 1786 had committed ſome ſmall miſtakes, as they were, to the beſt of his knowledge, the firſt Committee in the hiſtory of this country who had been appointed to aſcertain the whole of the peace eſtabliſhment. Mr. Pitt concluded with ſaying, that though he had no particular objection to the honourable gentleman's firſt reſolution, he thought it would be better with an amendment, and therefore he ſhould move that there be added the words "including the land tax, "1,967,650l. malt, 632,350l. and the permanent taxes, "12,797,471l."

Mr. Halhead.

Mr. *Halhead* allowed that there had, indeed, been a woeful deficiency in the income of the firſt year (1786) from what it had been ſtated by the ſelect Committee. But there was ſomething, he ſaid, unfair in fixing upon this particular year, 1786, and ſpreading the unfortunate deficiency of it over the average of all the others. Every year ſince the income of the country had improved. And why ſhould not gentlemen, inſtead of taking an average of the four firſt years, take an average which would be ſo much more favourable, of the two or three laſt? The laſt year had more than ſupplied the deficiency of the firſt. Mr. Halhead then went at great length into the calculations, and argued with a view to prove that the reſolutions of Mr. Sheridan were not founded, but that the reſolutions of the Chancellor of the Exchequer were agreeable to the facts.

Mr. Sheridan.

Mr. *Sheridan* ſaid, why ſhould the honourable gentleman wiſh to leave out the baneful year 1786, and yet avail himſelf of the proſperous 1790? This difference, ſo ſtriking in the produce of different years, was eaſily accounted for. Means would be contrived, by which the income of one year might, for a particular purpoſe, be ſwelled out, and the deficiency made to fall upon the next; and that with a view of making the income of the country appear in a more advantageous light than it could really bear, as was the caſe with the income of the year previous to 1786. Hence proceeded the deficiency which, according to the honourable gentleman's expreſſion, had ſo wofully fallen upon that year. From the ſame cauſe, he would venture to predict,

 that

that the income of the present year would not be equal to that of the preceding. That the extraordinary expences were out of the view of the Committee of 1786, Mr. Sheridan denied to be the case; but had no objection to the right honourable gentleman's amendment, if the figures were right. The mean way of taking the land and malt taxes, he said, was on the annual produce, including the arrears of former years paid in, because the latter would, on an average, be pretty equal. The produce was over calculated, and the interest of Exchequer bills, from the way of making up the account, was underrated, making a difference of more than 40,000l. a year.

Mr. Pitt Mr. Chancellor Pitt in reply, said that the argument on the mode of estimating the land and malt taxes, and the interest of Exchequer bills, applied to future estimates; but the consideration before the Committee, was, how far the select Committee of 1786 had been accurate in their estimate.

Mr. Rose Mr. Rose was of opinion that what had fallen from the honourable gentleman (Mr. Sheridan) both then and on Friday, was very much calculated to mislead the Committee; such was particularly the case with regard to his averages, in which he had included the year 1786. The honourable gentleman had said, that there was no reason why that year should not be counted; but he conceived there was a very good reason why that year should not have been taken into the account. One strong reason why it should not, was, because it was in 1786 that the Committee made their calculation, which was not made for that but for the next year. In 1786 various laws passed which tended greatly to encrease the revenue; the manifest act was passed that year, which was intended to prevent smuggling; the wine act also passed, which considerably increased the revenue. If the year 1786 were omitted, the revenue of the year 1787 came within a trifle of the Committee, and the other years greatly exceeded that estimate. In the first place, Mr. Rose said, the honourable gentleman had stated that the increase of the revenue, was altogether owing to the excise, and principally in the article of spirits. If that observation were true, it shewed that his right honourable friend (Mr. Pitt) was right in the decrease of the duties on foreign spirits, and in the decrease of importation for the benefit of British spirits. The regulations of his right honourable friend had prevented illegal importation, and, as far as the observation of the honourable gentleman went, was not discreditable to his right honourable friend. The honourable gentleman had said, that they had gained a great deal by transferring the assessed taxes; but this, Mr. Rose observed, was a mistake, for instead

ſtead of a gain, there was a loſs. It had alſo been ſaid, in the 10-per cent. tax, impoſed this ſeſſion, that a great gain had been derived from demanding the tax for twelve months inſtead of one quarter. The fact was, that that was true only in a very trivial degree, and applied to a ſmall number of aſſeſſed taxes, as, ſervants and horſes, where it was not eaſy to calculate but by the year.

The honourable gentleman had alſo ſaid, that the aſſeſſed taxes were the true criterion, by which, to judge of the proſperity of the country, and that thoſe taxes were decreaſing; Mr. Roſe thought, that forming an opinion by the ſtate of the aſſeſſed taxes, was not the very beſt method of judging of the flouriſhing ſituation of a country. But, however that was, the reverſe was true; and inſtead of decreaſing, they were in a regular ſtate of increaſe. The honourable gentleman had ſtated likewiſe, that all our extraordinary reſources were at an end, and particularly the impreſs money. In anſwer to which, Mr. Roſe aſſerted that there was not the leaſt reaſon in the world to ſuppoſe that reſource would fail. The honourable gentleman had ſaid, they ought not to take the laſt year into the account, when they were to judge of our future income, becauſe it was always ſo much in the power of the Miniſter to anticipate the taxes of the ſucceeding year, and to make them come quick into the Treaſury. Mr. Roſe conceived that that was preciſely the reaſon why the laſt year ſhould be taken into the account. The amount of the aſſeſſed taxes were leſs laſt year by £. 170,000, than they were on the average of the three preceding years, and, for that reaſon, they might expect that the income of the next year, inſtead of being £. 16,030,000. would amount to 170,000l. more, making in all 16,200,000l. Mr. Roſe thought it was his duty to ſtate theſe circumſtances to the Committee, becauſe they were facts which were within the knowledge of the honourable gentleman himſelf.

Mr. *Fox* begged leave to ſay a few words; with regard to the including year 1786. If they were to take that year only, there might be ſome reaſon for objecting to it, but if they were to take in the laſt year, which had exceeded very much the former years, he could not, Mr. Fox declared, ſee by what rule they were to leave out the year 1786, becauſe it had been an unproductive year. That they ſhould take in the one year, and overlook the other, was a mode of reaſoning which he could not comprehend. Conſidering the way in which they dealt with his honourable friend, he never could be right: his honourable friend was right at the end of the firſt year; nay, he was right at the end of the ſecond year; he was right at the end of the third, and of the fourth year; then came an extraordinary year, which enabled the

Mr. Fox.

the other side of the House to say, that the average income of the last five years had exceeded the expenditure by 51,000l. But those calculations, Mr. Fox observed, were only to be made when they pleased. his honourable friend was right at the end of four years, but there was not then any inquiry, and therefore, Mr. Fox declared, he conceived it to be the most foolish and the most ridiculous thing in the world to make any predictions, because they stopped till some extraordinary circumstance occurred, and then they were pleased to make their calculations. People out of doors, Mr Fox said, had frequently told him, that, though differences of opinion might subsist on political points, and debates might arise on topics of that nature, they were perfectly astonished, when they heard of altercations arising on matters of revenue, and of subjects that consisted of figures, merely, being disputed. Mr. Fox said, that the answers he always gave was, that those disputes arose on the abuse of averages. They sometimes went on the average of two, sometimes of three, &c. years. All, Mr. Fox said, that he wanted, was, that they should fairly state the facts to the public, and leave those facts to their judgement; that they would let them see what was the average of two, three, four, and five years. This was what was proposed by his honourable friend. On the other side, they had endeavoured to evade it. The right honourable gentleman had said, that he did not see the propriety of the third resolution of his honourable friend; that, Mr. Fox said, he took to be the most material part of the business. A more alarming circumstance, he said, had never happened, than that of the Committee of 1786 laying down a peace establishment, and the Committee of 1791 adding to that establishment, at the lowest calculation, between 4 and 500,000l. They had never been told, Mr. Fox said, by the other side of the House, that they were about to undertake such expences; they had found themselves in this situation, they knew not how; and they were going, they knew not how, to lay on themselves and their posterity, between 3 and 400,000l. after substracting 100,000l. for the army; and this extraordinary expence could not have been defrayed, had it not been for the extraordinary resources, many of which could not be foreseen, and would not recur.

Mr. Steele Mr *Steele* said, he wished to reserve what he had to say till they came to the third resolution of the honourable gentleman, when he thought he could prove, that the honourable gentleman had taken averages most favourable to his purpose, and had not chosen that way which was best calculated to give the public a just idea of that business.

Mr.

Mr. Sheridan.

Mr. *Sheridan* replied that the advocates of the report of 1786 never could meet him before; and could not do it now, without taking into the account of the year 1790, many ſums that were anticipations of the revenue of the current year. Yet with all this, and their five years tinkering of revenue laws, they were only able to ſhew an average exceeding of about 50,000l. Strike off what they had got by new taxes and anticipations, and, he ſaid, they would ſtill be deficient to a great amount.

The amendment was agreed to, and the reſolution ſo amended, paſſed the Committee.

Mr. Sheridan then moved the ſecond reſolution.

Mr. Pitt.

Mr. Chancellor *Pitt* ſaid, the collection of the exiſting taxes was not properly ſecured in the firſt part of the period included in the reſolution. It tended to miſrepreſent the object of inquiry before the Committee, and therefore he ſhould oppoſe it.

Mr. Fox.

Mr. *Fox* obſerved, that the regulation in the collection of taxes was expreſsly ſtated, in the report of 1786, as an additional reſource. The reſolution was true in fact, and therefore fit to be told. Of its applicability, the public, whom it moſt concerned, would judge. On this ground he would agree to any reſolution of fact, moved by the Chancellor of the Exchequer.

Mr. Sheridan.

Mr. *Sheridan* ſaid, the reſolution was taken from the report of 1786. He had left out ſome words, becauſe they were more favourable to his argument than he thought it required. Theſe he would add as an amendment; and let the Committee then vote, that words were not in the report, which were copied from it, if they could.

Mr. Pitt.

Mr. Chancellor *Pitt* ſaid, that whether other words were added or not, he ſhould vote againſt it. The queſtion was not, whether the words of the reſolution were in the report or not, but whether it tended to convey a proper impreſſion of what the Committee had to examine.

After ſome farther converſation the amendment was agreed to, and the reſolution ſo amended negatived.

Mr. Sheridan now moved the third reſolution.

Mr. Ryder.

Mr. *Ryder* ſaid, the amount of the land and malt taxes was not taken from the actual produce of the ſeveral years, but from an average; the Committee could not, therefore, declare as a fact that ſuch had been the produce for the reſpective years. The actual produce could not be aſcertained, becauſe arrears were ſtill due on each of the years. He ſhould therefore move amendments, to leave out the land and malt entirely, take the produce of the permanent taxes for each year, then the averages for two, three, four, and five

five years from 1786 to 1790, and averages backwards from 1790 to 1786

Mr. Fox.

Mr. *Fox* had no objection to the additional averages. The first averages would shew how much the select Committee of 1786 had erred in their calculation, for the true criterion of it was the produce of the years nearest to it, and not of those more remote. Many circumstances now existed, he said, by which the revenue was increased, which the Committee of 1786 could not have had in their contemplation; and while the circumstances, which they had in their contemplation, had undergone no material change, their estimate far exceeded the annual income. The great object seemed to be to exclude the year 1786 from every calculation, than which nothing could be more childish; for with just as much propriety might another year be excluded, because it had been unexpectedly productive. The only rational principle was to take the good years with the bad.

Mr. Sheridan.

Mr. *Sheridan* did not object to taking averages backwards from 1790, but then, he said the anticipation of that year on the current year ought not to be included. He enumerated these anticipations, and the new houses taxes included in the account of taxes existing in 1786, under the notion of their being only regulations. These points were debated on the other side by Mr. Steele, Mr. Montagu, Mr. Pitt, and Mr. Rose.

At length the Committee agreed to the third resolution, with its amendments.

Mr. Burdon.

Mr. *Burdon* said, he thought from the manner in which the Committee was going on, they would be a long time getting through the resolutions; he therefore proposed to come at once to the Chancellor of the Exchequer's resolution, vote that, and then go back to Mr. Sheridan's last resolution but one. Mr. Burdon said, he had at home bestowed a considerable deal of labour in drawing averages on the different heads of receipt and expenditure stated in the report, and if it was intended to change the report wholly into the shape of resolutions, they ought to do it minutely; but his opinion was, that it would be more adviseable to lay before the public a general view of the subject, for which reason he moved Mr. Pitt's last resolution but one.

Mr. Pitt.

Mr. Chancellor *Pitt* expressed an earnest desire to discuss every one of Mr. Sheridan's resolutions with him, and therefore hoped the honourable gentleman behind him, (Mr. Burdon) would not press so extraordinary a proposition as that of passing at once from the third of forty resolutions of Mr. Sheridan's, to the seventh of his own.

Mr. Burdon.

Mr. *Burdon* said, as he found that his proposition did not meet

meet with the concurrence of that side of the House, he would not persist in it. It was therefore withdrawn.

Mr. Sheridan said, he had scarcely supposed the honourable gentleman to be serious when he made his motion; and if he had persisted, he believed no gentleman would have seconded him in it.

Mr. Sheridan.

Mr. Yorke said, the honourable gentleman was mistaken, for he had risen on purpose to second it. He then stated to the House his opinion of Mr. Sheridan's resolutions

Mr. Yorke.

The Committee proceeded to discuss the fourth resolution, when Mr. Pitt moved to leave out the word "not," and to insert several amendments. After a long controversy between Mr. Sheridan, Mr. Fox, Mr. Steele, Mr. Rose, and Mr. Pitt, the fourth resolution, with its amendments, passed.

Mr. Pitt then proposed a new resolution, stating that the produce of the land tax had increased 50,000l. in the course of the last five years, and the produce of the malt tax had decreased 35,000l. in the same period; which passed, and the Chairman was ordered to report progress, and ask leave to sit again to morrow.

The House adjourned.

Tuesday, 7th June

Mr. Burke having moved, that the report of the Committee to whom the petition of Mr Joseph Fowke had been referred, be taken into consideration, and the report being accordingly read,

Mr. *Burke* then observed, that this was a case which, on every principle of justice, humanity, and compassion, deserved the most serious attention of the House. It was the case of a man aged seventy-five, suffering at this time under a severe fit of the stone, palsied, and in fact loaded with infirmities, and weighed down with years. It might be asked, why the report of a Committee to whom a petition had been so long since referred, had not been made sooner? The reason, Mr. Burke said, was, that an application had been made to the Court of Directors in hopes that they perhaps might have been disposed to have given way in this business, and to have done justice to an old, frail, and deserving servant of the Company No means had been spared for that purpose, Mr. Burke said, as he thought no man ough to come to that House for relief, but in the last resort, in the greatest possible extremity. They had, therefore, staid to see whether the Directors of the East-India Company would do, what in fact was nothing more than their strict duty to do. The petitioner, Mr. Burke said, was at this moment, as he had already stated, extremely afflicted with the stone,

Mr. Burke.

and it was six and thirty years since he had entered into the service of the Company. There was, it was true, an interval in which he did not serve the Company. The petitioner, he said, as his petition stated, had several offices offered him by the Company both at Madras and Bombay, which his conscience would not permit him to accept, and during the whole time he was in the Company's service, he conducted himself with the greatest integrity and honour, and the Company entertained the highest opinion of his character.

Mr. Burke here entered into a narrative of Mr. Fowke's history, stating the different offices he had held in India, and the faithful and meritorious services that he had rendered to the Company. The Company, nevertheless, Mr. Burke said, had positively refused him the pension to which he was justly entitled. He declared, he did not wish to throw any blame on the Court of Directors; they might have reason to justify their conduct, wholly unknown to him. The petitioner, Mr. Burke contended, had a demand of justice on the Company; he was, as it were, a man born in their own house at Madras, when it was rather a factory, than the seat of government for an Empire, and every part of his conduct had received the approbation of his employers. Under these circumstances, if there were no claims of justice, he should think motives of common compassion would induce them to assist him. Mr. Burke hoped the Directors would take Mr. Fowke's case into consideration, and would not permit him to die under the pressure of indigence and distress. If, however, the Directors would not act from a sense of their own duty, from a sense of justice or compassion, it was proper that they should be admonished; and Mr. Burke observed, that the admonitions given through the medium of a declared resolution of that House, though it possessed not the force of law in its rigid sense, yet had all the authority of any thing short of actual law; as a great Minister had formerly said, would have its effect, being tantamount to the declaration of a country gentleman, accidently surrounded by the attornies and agents of men interested in obtaining a sense of his opinion. Mr Burke added a variety of pertinent observations on the subject.

That it appears to this House, "That the petitioner, "Joseph Fowke, Esq. has proved the allegations of his peti-"tion."

Mr. Dundas seconded the motion, when the Speaker put the question.

Major Scott. Major *Scott* said, as he had the honour to be a Member of the Committee, he thought, it incumbent upon him to give his reasons for not agreeing with the motion, which the right honourable gentleman had made. It was because the

report was very imperfect; for they had not examined the gentlemen in the Direction, as to certain assertions made by them relative to their restrictions. He would, therefore, move to recommit the report, for the purpose of summoning those gentlemen. In the present state of the House the Major said, he would wish not to divide upon the motion.

Mr. Alderman *Le Mesurier* said, he did not rise to oppose the motion, although he should decline giving any vote upon the subject; neither would he second his honourable friend's motion; because, observing the number of Members present, he did not wish to put an end to the business of the day. The Alderman said, he must take the liberty of declaring that the report of the Committee was not accurate, in as much as the facts stated in it were not true. The right honourable gentleman had in his speech, in some measure corrected its inaccuracy. Mr. Fowke, it was true, had a place in India, in the year 1780, from which he was afterwards removed by the then government, and they gave him a pension; but the circumstances of his case considered, he was not entitled in the Alderman's opinion, to claim the benefit of the order of 1785. Mr. Fowke, the Alderman said, had not stated the whole truth. To justify this assertion, Mr. Le Mesurier referred to the circumstances of Mr. Fowke's case. He admitted, that he had one thousand five hundred rupees per month. That pension having been thought too much, and it was taken away some years afterwards. He then had 400. But the Directors did not think him entitled to the pension which he claimed as his right, on his return to England, and therefore it was refused. The Alderman spoke highly of the characters of Mr. Nathaniel Smith and Mr. Devaynes, the late Chairmen, as men of acknowledged humanity; and after some general reasoning said, that if the House of Commons thought proper to interfere in this business, the Directors of the East-India Company would feel it their duty to appeal from that House, to a House that was better informed. [The Alderman was here called to order.]

Mr Ald. Le Mesurier.

Mr. *Burke* in reply, said, that they had heard abundant reason, why they ought to come to a decision upon the subject. They now knew that the Court of Directors not only acted wrong, but that they could give no reason for their conduct. All the Directors could say was, that this man had made a false report; for that in 1785 at the time of his coming away, he had 1500 rupees a month allowed him. Mr. Burke asserted, that the Court of Directors had grossly misrepresented the fact. It was true, that Mr. Fowke had an office given him at Bengal by Mr. Hastings, producing an income of 1500 rupees a month, but he was removed, and it was given to another. He wished, Mr. Burke said,

Mr. Burke.

to judge of men from their actions, and was not at the same time desirous of casting blame upon any man; but he would ask, whether in the case of the abuse of office, when a great body created by Parliament, to whom that House had delegated considerable powers, and when those powers were exercised to oppress individuals, had not that House some right to step in and prevent such an improper exercise of power? Such conduct in the Directors as they had pursued, Mr. Burke contended, was a downright cheat on an afflicted, infirm, frail, and helpless individual, who had spent the best part of his life in their service, and whose family had served them ninety years. Lord Cornwallis said to him "go home "and get a pension." When he came home, the Directors said, "you shall not have a pension, and we will give no "reason why. It is not our way to assign any reason. "We will that an old and faithful servant shall be exposed "to the expence of 700l a year, and that he may be sent to "beggary, ruin and wretchedness." This conduct, he said, was not to be overlooked by the House of Commons.

Mr. Burke having made some further remarks on the subject, the question was put on his first motion and carried.

He then moved,

That it appears to this House, "That the said Joseph "Fowke is entitled to the provision or allowance engaged "to be paid by the East-India Company to their servants under certain descriptions, and under certain conditions expressed in the letter from the Court of Directors, "of the 21st of September 1785, to the Governor General "and Council of Bengal, from the time in which, by the said "letter of the 21st of September 1785, persons described in "the said letter were to receive the same."

Mr. Dundas seconded the motion.

Major Scott.

Major *Scott* upon this second motion, rose, and said, that he felt it impossible to vote for a resolution, which certainly carried a severe sting in it, against a respectable body of gentlemen, who had not been heard. He conjured the House to consult their own dignity, before they came to a vote, with such defective materials before them. Mr. Fowke, the Major said, had written a letter to the Directors, claiming a certain pension. That letter had been referred to a Committee of correspondence, consisting of ten or eleven Members, who reported that Mr Fowke was not of that description of persons who was entitled to the pension; and that report was confirmed by the Court of Directors. A second appeal was made by Mr. Fowke. The report was considered first by the Committee of correspondence, and then by the Directors, who both confirmed their former report. It was surely, the Major said, an act of justice

in

in the House, to know from the Directors the grounds upon which they had come to that resolution, before they declared a different opinion. He had the pleasure to be very well acquainted with the gentlemen in the Direction, and he was convinced they were none of them capable of an act of inhumanity or injustice, and therefore he wanted to know upon what grounds they had acted. As he had been appointed a Member of the Committee, he wished from circumstances which had formerly happened at Bengal, to take every means in his power to act with the strictest justice and impartiality; and the House would remember, that Mr. Fowke laid no sort of stress upon any services that either he himself or his father had rendered the East-India Company, but rested the claim merely upon the justice of his case. Upon this principle therefore, the Major said, he had examined it, and as far as he could make it out, admitting the claim to be as strong as Mr. Fowke himself stated it, he was entitled as a matter of right to four hundred pounds a year, from October 1788 to November 1789, and no longer. Whether in consideration of the great age of Mr. Fowke, and his having been first in the service so long ago as the year 1735, Mr. Fowke should be allowed four hundred pounds a year for the remainder of his life, was a consideration totally distinct. Mr. Fowke had not made any such plea; but had merely gone upon his right; had expressly declared that he asked no favour, and therefore all the circumstances mentioned by the right honourable gentleman (Mr. Burke) were totally foreign from the question before the House. But the circumstances stated by the right honourable gentleman, Mr. Burke, were not only totally contrary to the facts, Major Scott said, but directly contradictory to the allegations in Mr. Fowke's petition, which was drawn with accuracy, and very correctly. The truth was, that Mr. Fowke had first entered into the Company's service in 1735, that he had continued in the service until 1748, or 1750, when he obtained a permission to go to India, not as a Company's servant, but as a free merchant, and to Madras, the place of his nativity; that in 1771, or 1772, he came to Bengal, not as the Company servant, but as a private merchant; that he continued until 1778, when he was appointed as senior merchant, fixed in that rank, and with permission to reside at Benares. It was a mere idea of the right honourable gentleman, that the Directors had given him any appointment of any kind; they had done no such thing; but Mr. Hastings, in 1780, appointed him Comptroller of Standing Orders, with a salary of 1200 rupees a month. In 1782 or 3, that office was conferred upon another, but Mr. Fowke was allowed to retain the salary,

lary, until 1785, when the Directors struck off the post which Mr. Fowke had been appointed in 1780, and from which he was removed in 1782 or 3. They also struck off his allowance of 1200 rupees a month, and he became as a servant out of employ, entitled only to the pension or allowance of his rank, which was four hundred rupees a month. In this situation he applied to Earl Cornwallis, first for the office of President of Benares, next for a seat at the Revenue Board, but was unsuccessful in both applications. Then he applied to come to England upon the pension, and had leave. The simple question then was this, what was that pension? Did it mean that any person was to enjoy it for his life, or until the Directors should say, "now "you may go out, as we will pay you no longer." This was the mere point of right, and upon this ground Mr. Fowke had taken it up. For his part, the Major said, he never would consent to cast such a stigma upon so many respectable gentlemen, as the resolution must do, until they had been heard themselves, for it was not what Mr. Devaynes might say, or his honourable friend, however they might have argued the point, that could satisfy him. He was convinced the Directors could have no private views to answer, in negativing Mr. Fowke's application; and in the House of Commons to say, upon *ex parte* evidence, that those gentlemen had acted unjustly, or hastily, without hearing them, appeared to him very unbecoming the dignity of the House. He certainly would not adjourn the House by calling for a division, but gentlemen ought to have the whole matter before them, or they were not competent to come to a resolution, which after all could not be in any degree binding, if the Directors should be of a different opinion. Major Scott again said, that any merits of Mr. Fowke were totally out of the question. He obtained the pension not for merits but as his right. The Directors refused it because they said, he had no right, and he contended that the House were about to give an opinion upon *ex parte* evidence.

Mr. Dundas.

Mr. *Dundas* wished to say a few words on the subject. He said, he did not blame the Court of Directors as meaning to do otherwise than what was right, but they had certainly totally mistaken the whole of this business. He knew perfectly well all the relative circumstances with regard to the order in question, which indeed was made by himself, at a time when it was necessary to do what perhaps might be deemed harsh things to persons who had been long in the service of the Company. It had been deemed absolutely necessary, at that time, to displace and reduce the income of many persons, who had been old servants of the Company;

Company; and it was thought right at the time that they ſhould have an adequate allowance; and as it was conceived that they could live here, at home, on a ſmaller ſum of money than in India, a proviſion was accordingly made, and many of them came, in conſequence, to this country, to take advantage of that proviſion. Mr. Dundas ſaid, he apprehended the Company had no authority whatever to deprive Mr. Fowke of his right, or to make any new order of their own to counteract the purpoſes of government. Indeed he entertained no doubt but that when the Court of Directors reconſidered the ſubject they would ſee it in the proper light. He concluded, with obſerving, that the reſolution was temperately expreſſed, and unexceptionable.

The queſtion was then put on Mr. Burke's ſecond motion, and carried.

He was about to make a third motion, when he was told it was unneceſſary.

On the motion of Mr. Sheridan, the Houſe reſolved itſelf into a Committee to take into their further conſideration the report of the public income and expenditure.

Mr. Jodrell in the Chair.

Mr. Sheridan.

Mr. *Sheridan* ſaid, that thoſe of his reſolutions which had been already moved, had met with ſo diſcouraging a reception, that he now found he had nothing to gain, and that all his exertions in their favour would be uſeleſs. Having experienced, however, ſo much oppoſition to his ſtatement of the income of the country, he ſhould not only try whether the ſame oppoſition would be continued to his ſtatement of its expenditure, and for this purpoſe go on with a few more of his reſolutions. He ſhould take occaſion at ſome future period to bring them all forward in a form in which they might be inſerted on the journals of the Houſe.

The reſolutions, from the fifth to the tenth, were then read, and after ſome ſhort and deſultory converſation, ſucceſſively negatived.

Here Mr. Ryder moved,

"That the total amount of the intereſt and charges of "the public debt, and of the ſums iſſued for the reduction "thereof, of the charges on the aggregate or conſolidated "fund, and of the ſum granted for the ſupplies, during the "laſt five years, except the ſum of 207,000l. which re- "mained to be provided for in the preſent year, under the "head of deficiency of grants, has been defrayed by the "produce within the ſaid years of the permanent taxes, by "the annual aids on land and malt, and by the ſums ariſing "from extraordinary reſources, with the addition of a loan "of one million raiſed by Tontine, and of 187,000l. raiſed

"by

" by short annuities." Which motion, after some conversation, was carried.

They then proceeded to the eleventh resolution, upon which, Mr. Pitt moved an amendment,

" That the sum for defraying the armament of 1790, and " keeping up the additional number of seamen, was defrayed " independently of the ordinary income."

This amendment was adopted. The twelfth, thirteenth, and fourteenth resolutions were then read, and negatived.

The fifteenth was also negatived without a single objection stated.

The sixteenth was agreed to.

The seventeenth, with an amendment, enumerating the several articles which raised the estimated expenditure of 1791 so much above that of 1786, was also agreed to.

Mr. Sheridan.

Mr. *Sheridan* now moved an additional resolution, in substance " that the estimated expence of the navy, army, " ordnance, militia, and miscellaneous services, by the re- " port of the Committee of 1791, exceeds that of the " Committee of 1786 by 434,293l." which was agreed to.

The eighteenth was negatived and the nineteenth, as dependant on the former, withdrawn.

On the twentieth,

Mr. Steele proposed amendments, stating the excess of the sum voted for the service of 1791, above the estimate of the Committee of 1786, includes various articles of expence, that will not occur again.

After some debate,

Mr. Fox.

Mr. *Fox* said, the great excess of the sum voted for the current year above the estimate of the Committee of 1791, the estimate of that Committee having so much exceeded the estimate of the Committee of 1786, shewed, that no credit was due to any estimate. Gentlemen now endeavoured to give reasons why the Committee of 1786 had been mistaken, but it was of little importance to know how, since they had been so incredibly erroneous in their estimate of almost every article of expenditure. Nothing appeared to him more suspicious, than the manner in which the estimated expence, in both cases, was made to quadrate with the estimated income. In 1786, so much, it was said, would be the income, and so much the expence. In 1791 the income was estimated at a much greater sum, and the estimate of expence increased in the same proportion. Now, without pretending to bring a charge against any of the officers who prepared the estimates of the several articles, with which the Select Committee had nothing to do but to collect the sum total, did not this afford a strong presumption, that the estimates at the several offices were made out, not with any

view

view of what was likely to be the probable future expence, but on what would make the total expence nearly balance with the total income?

Mr. Pitt.

Mr. Chancellor *Pitt* said, this was to suppose that the officers who prepared the estimates, had not done their duty, a supposition which the Committee could not entertain on a mere surmize. That the estimated revenue now exceeded the estimated expence, although both were increased since 1786, did not afford ground for such a supposition. The increase of expence was accounted for; and great would be the merit on any future occasion, of [illegible] getting means by which it could be reduced consistently with the safety of the country. Of the increase, [illegible] were for the navy, the expence of which, [illegible] could be [illegible] reduced, and he was sure would not require to be [illegible]. There was, therefore, no reason for distrusting the estimates.

Mr. Fox.

Mr. *Fox* observed, that the [illegible] gentleman had given as strong assurances that the [illegible] of 1786 would not be exceeded. [illegible] had been [illegible] exceeded, and his assurances must now go for nothing. Mr. Fox said, he did not mean to bring a charge of falsifying estimates against any man, because he had no means of proving it; but as a Member of Parliament speaking for the people, he had a right to say, that the circumstances he had mentioned did afford a [illegible] that the estimates were made out, not because such and such establishments were necessary for the defence of the country, but because there was so much revenue to spend. It was a very serious cause of alarm to the people, he said, that there was no true ground of belief in any estimate of expence, or of the probable burdens that must be imposed upon them. He hoped they would feel the necessity of watching Ministry, who, with economy always in their mouths, had added year after year to the expence of establishments, in a period when the country enjoyed a greater degree of external security than it had ever done before; who instead of applying the increase of revenue to the reduction of the debt, had increased the expence as the revenue increased, and for several years outrun it. Such was the state of the finances that must be presented to the public on their own shewing; and if this was an agreeable statement to gentlemen, he wished them joy of their sensations. In this situation, when gentlemen objected to any source of revenue, as injurious to the public, they were held out as inimical to the revenue. He did not agree with his honourable friend (Mr. Sheridan), that a lottery was altogether an improper source of revenue; but he did most completely, that the extension of the excise was. It was said, that the excise on tobacco had succeeded. He was

ſorry for it; for as he never could approve of any commutation of liberty for revenue, he muſt be ſorry for the ſucceſs of any ſcheme that recommended the principle to the approbation of the Houſe. Whenever any ſcheme of exciſe was propoſed, he ſhould treat with contempt all inſinuations that to oppoſe it was to ſhew that he was hoſtile to the revenue; and, that which was fit and proper for him to do on exciſe, was equally ſo for any gentleman on a lottery, or any other means of revenue, which he thought prejudicial to the liberty or the morals of the ſubject. The Committee, Mr. Fox ſaid, had thrown out many of his honourable friend's propoſitions, without even attempting to ſhew that they were falſe. They had, however, left ſufficient to prove the fallacy of all former eſtimates, aſſertions, and predictions, reſpecting the expenditure; that they did not yet know when a peace eſtabliſhment would take place, nor whether they were yet within half a million of the annual expence.

The Secretary at War profeſſed himſelf incapable of making out falſe eſtimates.

Mr. Ryder

Mr. *Ryder* ſaid, the Committee of 1786 had not failed in their eſtimate of the revenue and the extraordinary aid; he enumerated the additional expences of the army, navy, and ordnance, which the Committee could not foreſee; beſtowed an encomium on the ability and candour of the Committee of 1791, and congratulated himſelf on having been a Member of it.

Mr. Fox

Mr. *Fox* declared, that he meant no reflection on the Committee. They could only report, he ſaid, on the papers laid before them. Their eſtimate of the future revenue, he hoped, would be verified; but he had no confidence whatever in their eſtimate of expence. None of them had any more reaſon to confide in it than he, nor had any of them expreſſed the leaſt confidence in it. He concluded with ſaying that the Committee of 1786 was admitted, on the face of the accounts, to have been completely miſtaken in all their eſtimates of expence and extraordinary aids.

Mr. Pitt.

Mr. Chancellor *Pitt* aſſerted, that the Committee of 1786 were right in their eſtimate of extraordinary aids, if allowance were made for extraordinary expences.

Mr. Sheridan

Mr. *Sheridan* ſaid, the Committee of 1786 was wrong on every ſtatement, if fairly followed; and to prove that they were right in any one inſtance, it was neceſſary to take part of one and part of another.

Sir Charl. Bunbury.

Sir *Charles Bunbury* (a Member of the Committee of 1791), ſaid, the Committee was not anſwerable for the eſtimates. They had proceeded as mere accountants on the papers laid before them. They ſtated that ſuch was the amount of the eſtimates for a peace eſtabliſhment, without expreſſing any

opinion that such estimates were proper, much less recommending them to the House. For this reason he objected to the expression in the 39th resolution, "That the Committee proposed great increases to the peace establishment." They did not, Sir Charles said, propose those increases; and he for one did not approve of them. The peace establishment, in his opinion, ought to be under the estimate of 1786. It appeared to him, that the whole sum applied to the discharge of debt, had arisen from the extraordinary aids, and consequently, that in the last five years, we had spent a million annually more than our permanent income. The extraordinary aids were now exhausted, and we had no resource left but frugality.

Mr. *Montagu* (another Member of the Committee) said, the Members of the Committee were not even bound to vote for the increase of establishment in their report, unless, on examination, they should think it necessary. He had not materials, he said, on which to form his opinion, and till those were before him, he had nothing for his guide but his good opinion of Ministers, which was not sufficient ground for voting money on.

Mr. Montagu.

Mr. Steele's amendments were introduced, and the resolution agreed to.

The twenty-first and twenty-second were withdrawn.

The twenty-third was agreed to, with an amendment.

The twenty-fourth was negatived without any objection stated.

In the twenty-fifth,

Mr. Ryder introduced the substance of several others, though in a very different form.

The twenty-sixth was withdrawn.

The twenty-seventh, eighth, and ninth were negatived without any objection stated.

Mr. *Fox* here observed, that the intention seemed to be to negative all that were evidently true, and could neither be supported nor opposed by argument.

Mr. Fox.

The thirtieth resolution was then read. Mr. Pitt moved an amendment, that the words from "that," to "money," be left out, which was accordingly adopted.

The thirty-second, thirty-third and thirty-fourth resolutions were negatived.

Here Mr. Chancellor Pitt moved, "That during the said "five years the sum of 5,424,592l. including 674,592l. arising from annuities expired or unclaimed, and from dividends on stock bought, has been applied to the reduction "of the national debt, and that the annual interest on the "stock bought, and the present amount of the annuities

“ expired or unclaimed, appears to be 254,803l. in addition
“ to the million annually charged on the conſolidated fund.”
The motion was put and carried.

The remaining reſolutions, the thirty fifth, thirty ſixth, thirty ſeventh, thirty eighth, and thirty ninth, all received a negative.

The report was ordered to be received the next day.

The Houſe adjourned.

Wedneſday, 8th June.

The order of the day being read for receiving the report of the Reſolutions relating to the public Income and Expenditure, the ſame was brought up by Mr. Jekyll, and the queſtion being put on the firſt reſolution,

Mr Sheridan

Mr. Sheridan ſaid, that unſucceſsful as his exertions had been to obtain a true ſtatement of the revenue and expenditure for the laſt five years, he would not, as his opponents had done, attempt to negative any reſolution of fact. The reſolutions which he had moved, however, certainly exhibited a more clear and correct view of the finances than thoſe contained in the report, and for that reaſon he ſhould move the previous queſtion.

The previous queſtion was negatived, and the following reſolutions were ſeverally agreed to:

“ Reſolved, That it appears that the Select Committee of 1786*, proceeded upon a ſuppoſition that the annual and permanent taxes then ſubſiſting, were likely to produce annually the ſum of 15,397,471l. viz. the land tax 1,967,650l. the malt duty 632,350l. and the permanent taxes 12,797,471l.

“ Reſolved, That it appears, by the report of the Select Committee of 1791†, that the produce of the ſaid permanent taxes, in the year 1786, was 11,836,531l. being leſs by 960,940l. than the ſum estimated—in the year 1787, 12,754,795l. being leſs by 42,676l. than the ſaid ſum—in the year 1788, 12,812,9[illegible]l. being more by 15,45[illegible]l. than the ſaid ſum—in the year 1789, 13,[illegible]1l. being more by 412,400l. than the ſaid ſum—and in the year 1790, 13,782,393l. being more by 984,922l. than the ſaid ſum, including 193,000l. being the amount of one fifty third weekly payment.

“ That the produce of the ſaid taxes, upon an average of the firſt two years (viz. 1786 and 1787) amounted to 12,295,663l. being 501,808l. leſs than the ſum eſtimated.

“ That the produce of the ſaid taxes, upon an average of

* Vide the above Report, printed for J. Debrett, Piccadilly.
† Printed alſo for J. Debrett.

the

the first three years, (viz. 1786, 1787, and 1788) amounted to 12,46[illegible] l. being 3[illegible] l. less than the sum estimated.

"That the produce of the said taxes, upon an average of the first four years, (viz. 1786, 1787, 1788, and 1789) amounted to 1[illegible],6[illegible]3,[illegible]57l., being 14[illegible]93[illegible]l. less than the sum estimated.

"That the produce of the said taxes, upon an average of five years, (viz. 1786, 1787, 1788, 1789, and 1790) amounted to 12,[illegible]79,508l. being 81.837l. more than the sum estimated.

"That the produce of the said taxes, upon an average of the last four years, (viz. 1787, 1788, 1789, and 1790) amounted to 13,1[illegible]0[illegible]02l., being 34[illegible]53[illegible]l. more than the sum estimated.

"That the produce of the said taxes, upon an average of the last three years (viz. 1788, 1789, and 1790) amounted to 13,[illegible]8[illegible]5l., being 47[illegible]4l. more than the sum estimated.

"And that the produce of the said taxes, upon an average of the last two years (viz. 1789 and 1790) amounted to 13,496,1[illegible]l., being 608,66[illegible]l. more than the sum estimated."

"Resolved, That in this calculation, the Select Committee of 1791 have adverted to all the additional impositions which ought to have been deducted from their estimate, except tobacco licences, which amount in the whole to 81,753l. and that they have made no allowance for the diminution arising from the exemptions allowed in the horse tax, or for the repeal of the tax upon linens and stuffs.

"Resolved, That no complete account can yet be given of the produce of the land and malt taxes for the last five years.

"That the net produce of the land tax appears liable to no material variation from year to year, and may be stated at 1,972,000l., being 5000l more than the sum estimated.

"That the net produce of the malt tax in the years 1786, 1787, and 1788, appears to have been upon an average 597,171l., being 35,179l. less than the sum estimated.

"Resolved, That it appears, by the Report of the Select Committee of 1791, that the total amount of the interest and charges of the public debt, and of the sums issued for the reduction thereof, of the charges upon the aggregate and consolidated fund, and of the sums granted for the supplies (including the deficiencies of land and malt, the deficiency of grants for the year 1785, and the amount of the prizes in the lotteries of the several years, with the charges attending them) has been, during the last five years, 88.116,916l.; and that the whole of the above charges (except the sum of 207,000l,

207,000l., which remained to be provided for in the present year, under the head of Deficiency of Grants) has been defrayed by the produce within the said five years of the permanent taxes, by the annual aids on land and malt, and by the sums arising from extraordinary resources, with the addition of [illegible] one million raised by tontine, and of 1[illegible]7,000l. raised by short annuities.

"Resolved, That, over and above the sums granted for the supplies, there appears to have been an increase in the navy debt within the said period, which is stated at 457,9[illegible]0l. and an arrear incurred in the Ordnance, under the head of Unprovided, to the amount of 61,909l.; and that the deficiency of grants of the year 1790 exceeds that of the year 1785 by the sum of [illegible]0,5[illegible]0l.

"Resolved, That the sum voted for defraying the expence of the armament of 1790, and for the charge of 6000 additional seamen for the service of the present year (amounting to 3,133,000) is not included in the above account; but that a separate provision has been made for discharging the same, independent of the future income of the country, as estimated by the Committee of 1791.

"Resolved, That the Select Committee appointed in 1786 to examine and state the accounts relating to the public income and expenditure, and to report what might be expected to be the annual amount of the said income and expenditure in future, have stated the expected future expenditure upon a permanent peace establishment, including the annual million to be paid to the Commissioners, at the sum of 15,478,181l.

"Resolved, That the Select Committee, appointed in the present year 1791 to examine into the amount of the public income and expenditure during the last five years, and also to report to the House what may be expected to be the annual amount in future, state the expected expenditure, upon a permanent peace establishment, including the annual million to be paid to the Commissioners, at the sum of 15,969,178l. which is exclusive of the sum of 12,000l. since charged on the consolidated fund for the payment of an annuity to his Royal Highness the Duke of Clarence; and that the above sum exceeds the permanent peace establishment, as stated by the Committee of 1786, by 490,997l. of which 42,203l. is on account of the increase in the interest and charges of the national debt, 2000l. on account of the interest on Exchequer bills, 14,499l. on the difference in the charges on the aggregate and consolidated funds, and of the produce of the appropriated duties, 200,000l. in the navy, 148,842l. in the army, 27,000l. in the ordnance,

4,311l.

4,311l. in the militia, and 54,142l. in the miscellaneous services.

"Resolved, That the exceeding in the estimate stated by the Committee of 1791, on the five heads of navy, army, ordnance, militia, and miscellaneous services, above the estimate stated by the Committee of 1786, on the same five heads, amounts to the sum of 434,095l.

"Resolved, That the Select Committee of 1791 do not appear to have thought it their duty to inquire into, or to state any opinion respecting the ground or necessity for such increase, under the above heads of service, the estimates and accounts of which come annually under the revision of Parliament.

"Resolved, That the expence of the present year, according to the services already voted, and exclusive of any extra expence for the present armament, will amount to about the sum of 16,83 ,920l. exceeding the permanent peace establishment of the Select Committee of 1786 by the sum of 1,355,739—and the enlarged estimate of the Committee of 1791 by the sum of 864,742l. but that there is included in the above sum of 864,742l. an excess of 131,405l. upon the navy, which is more than accounted for by the sum voted for the repairs of frigates in merchants yards, which expence will not recur again—and an excess of 167,484l. upon the army, which is more than accounted for by no allowance being made in the grants of this year for army savings, similar to that which is made in the estimates of 1786 and 1791, and by an advance of 71,509l. on account of troops serving in India, which is to be repaid by the East India Company—and an excess of 65,676l. upon the ordnance, of which 61,907l. arises from the discharge of ordnance unprovided, and also, an excess of 557,177l. under the head of miscellaneous services, of which 430,444l. is on account of American sufferers, an article of expence expressly excluded from the estimates above mentioned, and the remainder on account of various miscellaneous services peculiar to the present year.

"Resolved, That the Select Committee, estimating upon an average of the three last years, and adverting to the additional weeks receipt in 1790, have calculated the future probable annual income at the sum of 16,030,286l. which exceeds the future expenditure, as estimated by the said Committee, by a sum of 61,108"—that the above income is calculated upon a revenue which appears to have been progressively increasing, and is exclusive of any addition to be expected from the amount of the taxes of 1789, or from the increased produce of the duties on tobacco—and likewise exclusive of the profits of the lottery, which amounted in the present

present year nearly to 30[illegible],000l. and of any fums to arife from any incidental or extraordinary refources.

"Refolved, That the money remaining due upon the principal and intereft of the American and Eaft Florida Claims, which has been directed by Parliament to be paid by inftalments, is ftated to have amounted, on 10th October 1790, to 1[illegible],06[illegible]l. exclufive of the intereft payable on fuch part of it as remains undifcharged, and exclufive alfo of farther annual payments and penfions to American Loyalifts, amounting to 5[illegible]l. per annum.

"Refolved, That, befides this article fo ftated by the Committee, it appears, from the ordnance eftimate inferted in their appendix, that the eftimate of the future annual expence of that office is exclufive of fuch fums as are contained in the eftimate of the board of land and fea Officers for additional works for fecurity of His Majefty's dock yards, and of any other fortifications, or other new works, to be carried on in the Weft Indies, North America, or elfewhere.

"Refolved, That, during the laft five years, the fum of 5,42[illegible],59[illegible]l. including 67[illegible],59[illegible]l. arifing from annuities expired or unclaimed, and from dividends on ftock bought, has been applied to the reduction of the national debt; that the fums by which the debt has been increafed within the fame period, appear, by the report of the Select Committee, to have amounted to 1,60[illegible],5[illegible]9l. leaving a balance of 3,822,003l. and that the annual intereft on the ftock bought, and the prefent amount of the annuities expired or unclaimed, appears to be [illegible]54,8[illegible]4l. in addition to the million annually charged on the confolidated fund."

As foon as the foregoing refolutions had paffed,

Mr. Sheridan. Mr. *Sheridan* faid, that having given notice of his intention to endeavour to get his refolutions put upon the journals, which could not be done by moving them in a Committee, he fhould now move the firft.

Mr. Pitt. Mr. Chancellor *Pitt* faid, that the refolutions having been fully difcuffed in the Committee, he fhould move the previous queftion on every one of them.

The following refolutions were then feverally moved, and the previous queftion put and carried on all, except the laft.

"That it appears that the Select Committee of 1786 proceeded upon a fuppofition, that the annual and permanent taxes then fubfifting were likely to produce annually the fum of 15,397,471l.

"That the Select Committee of 1786 ftate, that a farther confiderable increafe in the then fubfifting taxes, beyond

yond their estimate, might be expected, if the due collection thereof could be secured by measures adequate to the purpose, and such as would probably afford an ample provision for any deficiencies which might at any time be found in certain extraordinary resources, before enumerated by the said Select Committee;

"That it appears by the report of the Select Committee of 1791, that the produce of the said taxes, from the 5th January 1786 to the 5th January 1787, amounted only to the sum of 14,405,702l. being 991,769l. less than the sum estimated;

"That the produce of the said taxes, upon an average of the first two years (viz. 1786 and 1787) amounted only to 14,864,834l. being 532,637l. less than the sum estimated;

"That the produce of the said taxes, upon an average of the first three year (viz. 1786, 1787, and 1788) amounted only to 15,037,263l. being 360,208l. less than the Committee estimated;

"That the produce of the said taxes, upon an average of the first four years (viz. 1786, 1787, 1788, and 1789) amounted only to 15,222,708l. being 174,763l. less than the Committee estimated;

"And that the produce of the said taxes, upon an average of five years (viz. 1786, 1787, 1788, 1789, and 1790) has amounted to 15,448,479l. leaving an exceeding of 51,008l. beyond the estimate of the said Select Committee;

"That in this calculation the Select Committee of 1791 have not adverted to all the additional impositions which ought to have been deducted from their estimate;

"That the total net produce of the public income, upon an average of the last five years (viz. from 6th January 1786 to 5th January 1791 (both inclusive) has amounted annually, including a fifty-third weekly payment, to a sum not exceeding the sum of 15,618,775l.

"That the average expenditure during the same period, including the sums paid to the American Loyalists, and on account of other temporary miscellaneous services, and the sums issued to the Commissioners for discharging the national debt; and adding the estimated expence of the militia for the years 1789 and 1790; but exclusive of the expence of the armament in 1790, and of any addition to the navy debt since 1786; has amounted annually to a sum exceeding the sum of 16,855,109l.

"That the average excess of expenditure beyond the average income, during the above period, has amounted annually to a sum exceeding 1,236,334l.

"That the total net produce of the public income, upon an average of the laſt three years, viz. from 6th January 1788 to 5th January 1791 (both incluſive) has amounted annually, including a fifty-third weekly payment, to the ſum of 16,030,286l.

"That the average expenditure during the ſame period, including the ſums paid to the American Loyaliſts, and on account of other temporary miſcellaneous ſervices, and the ſums iſſued to the Commiſſioners for diſcharging the national debt; and adding the eſtimated expence of the militia, for the years 1789 and 1790; but excluſive of the expence of the armament in 1790, and of any addition to the navy debt ſince 1786; has amounted annually to a ſum exceeding 16,978,073l.

"That the average exceſs of expenditure, beyond the average income, during the above period, has amounted annually to 947,787l.

"That the expence of the armament in the year 1790, ſeparately provided for, and not included in the above accounts, has amounted to a ſum exceeding three millions.

"That it appears that the addition to the navy debt ſince 31ſt December 1785 is eſtimated by the ſelect Committee at 457,950l. and that, by an account delivered to the Houſe ſince the report of the Committee, this debt appears to have been farther increaſed;

"That the total amount of the exceeding of expenditure in the five years before ſtated, excluſive of this addition to the navy debt, and of the expence of the armament in 1790, amounts to the ſum of 6,181,670l.

"That the extraordinary reſources, by which this deficiency has been ſupplied during the above period, have amounted to the ſum of 6,191,105l. and have ariſen from the following articles; viz.

From reſpited duties paid in by the Eaſt-India Company	522,500
From arrears of land tax granted prior to 1786 — — — —	131,467
Ditto malt — —	14,875
From ſums remaining in the Exchequer on 5th January 1786 — —	1,172,119
From impreſt monies, and monies re-paid	820,165
From money re-paid on account of advance for Foreign ſecret ſervice —	34,000
From ſale of French prizes — —	3,000
From army ſavings and Chelſea penſioners	1,091,147
From profit on the annual lottery —	1,212,692

Raiſed

Raised by way of Tontine	— —	1,002,140
Ditto by granting short annuities	—	187,000
		£.6,191,105

"That from the nature of the articles which have composed these extraordinary aids, no similar assistance, to any considerable amount, can be expected in future, excepting from the article of a lottery, should the legislature continue to think it right to avail itself of that expedient;

"That the select Committee, appointed in 1786 to examine and state the accounts relating to the public income and expenditure, and to report what might be expected to be the annual amount of the said income and expenditure in future, have stated the expected future expenditure upon a permament peace establishment, including the annual million to be paid to the Commissioners, at the sum of 15,478,181l.

"That the select Committee, appointed in the present year 1791 to examine into the amount of the public income and expenditure during the last five years, and also to report to the House what may be expected to be the annual amount in future, state the expected expenditure, upon a permanent peace establishment, including the annual million to be paid to the Commissioners, at the sum of 15,969,178l. a sum exceeding the permanent peace establishment, as stated by the Committee of 1786, by 490.997l.

"That in the report of the select Committee in 1786, the accounts are stated to have been prepared on a calculation of a permanent peace establishment towards the end of the year 1790;

"That the select Committee of 1791 state no time when their estimate of a permanent peace establishment may be expected to commence;

"That the expence of the present year, according to the services already voted, and exclusive of any extra expence for the present armament, will amount to the sum of 16,833,920l. or more; exceeding the permanent peace establishment of the select Committee of 1786 by the sum of 1,355,739l. and the enlarged estimate of the Committee of 1791 by the sum of 864,742l.

"That the select Committee of 1786 calculate the amount of the permanent peace establishment, under the five heads of navy, army, ordnance, militia, and miscellaneous services, at 3,913,274l. viz.

Navy	— — —	1,800,000
Army	— — —	1,600,000

Ordnance — —	348,000
Militia — — —	91,000
Miſcellaneous Services —	74,274
	£.3,913,274

"That the ſelect Committee of 1791 calculate the amount of the permanent peace eſtabliſhment, under the ſame five heads of navy, army, ordnance, militia, and miſcellaneous ſervices, at 4,347,569l. viz.

Navy — —	2,000,000
Army — —	1,748,842
Ordnance — —	375,000
Militia — —	95,311
Miſcellaneous Services —	128,416
	£.4,347,569

exceeding, in theſe five articles, the eſtimate of 1786, by the ſum of 434,295l.

"That the ſelect Committee of 1791 do not appear to have thought it within their province to enquire into, or to ſtate any ground or neceſſity for, ſuch increaſe;

"That the ſums voted for the ſervice of the preſent year under the above heads, but including no proviſion for the preſent armament, are as follow:

Navy — —	2,131,000
Army — —	1,853,000
Ordnance — —	443,000
Militia — —	95,311
Miſcellaneous Services, including the ſums to the American loyaliſts, and other allowances — —	690,000
	£.5,212,311

exceeding the eſtimate of 1786 by the ſum of 1,299,037l. and the eſtimate of 1791 by 864,742l. but deducting the ſum of 306,000l. of the ſum voted to the loyaliſts, as being to be defrayed by the profits of the lottery, then exceeding the eſtimate of 1786 by the ſum of 993,037l. and the eſtimate of 1791 by the ſum of 558,742l.

"That the ſelect Committee, eſtimating upon an average of the three laſt years, and adverting to the additional week's receipt in 1790, have calculated the future probable annual income at the ſum of 16,030,286l. exclusive of the profits on a lottery;

"That

"That the receipt of each of the two last years appears to have considerably exceeded that sum;

"That in the receipt of the latter year, the great increase appears to have arisen under the head of excise; and that, in the articles of spirits and spirit licences alone, the exceeding in the receipt of the year 1790, over the receipt of the year 1786, amounts to the sum of 599,355l.

"That it appears to have been highly proper in the select Committee to calculate, upon an average of three years at least, the future expected income; at the same time it appears to this Committee, that, on a review of the whole of the accounts, the future income may reasonably be expected to amount to the sum estimated by the select Committee;

"That upon this estimate, it appears that our future income is calculated as likely to exceed our future expenditure by the amount of 61,108l. per annum.

Income	—	—	16,030,286
Expenditure	—	—	15,969,178
balance			£. 61,108

"That this balance is wholly inadequate to provide for those extraordinary expences which are actually foreseen and admitted by the select Committee; for, though the select Committee state, that they do not conceive that "it "falls within their province to consider what other extraor-"dinary expences, not included in any estimate before them, "may occur in a course of years;" yet they further state, that "the only article of this nature, which has been brought "distinctly under their view, is the amount of the money "remaining due upon the principle and interest of the Ame-"rican and East Florida claims, which has been directed by "Parliament to be paid by instalments:" And it further appears, that this article, so distinctly brought to the view of the select Committee, is stated by them to have amounted, on 10th of October 1790, to 1,546,062l. exclusive of the interest payable on such part of it as remains undischarged, and exclusive also of further annual payments and pensions to American loyalists, amounting to 54,211l. per annum.

"That besides this article, so stated by the Committee, it appears from the ordnance estimate, inserted in their appendix, that the estimate of the future annual expence of that office is, "exclusive of such sums as are contained in "the estimate of the board of land and sea officers, addi-"tional works for security of His Majesty's dock yards, and "of any other fortifications, or other new works, to be "carried on in the West Indies, North America, or else-"where;"

"That

" That to meet these heavy articles of inevitable extra expence, or the expence attending the present armament, or for any future exceeding under the head of " miscellanies," beyond the sum last estimated, the select Committee refer us to no extra resource that can be relied on, but that of a lottery.

" That admitting the future income to meet the estimated expenditure, or even so to increase, as with the aid of a lottery to satisfy the above certain extra demands, in the course of the five years next ensuing, yet will the public income remain wholly unequal to afford the smallest aid to any new and unforeseen demand that may arise, either for any armament or any other unforeseen contingency within that period, or to spare the smallest surplus towards the reduction of the unfunded debt, already increased to a degree, and continued at an amount, wholly unprecedented, in time of peace, in the annals of this country;

" That the experience of the three last years, in the course of which the unexpected and heavy expence of two armaments has been incurred and satisfied, while a third remains to be provided for, would render it highly improvident in this Committee not to advert to the probability of similar events recurring;

" That the sum stated by the select Committee to have been actually applied to the discharge of the public debt, amounts to 4,750,000l. from which it is admitted that there should be deducted the tontine million increased on the navy debt, and other articles of debt contracted, to the amount of 1,602,589l. leaving a balance of 3,147,411l.

" That in the account of the debt contracted, no allowance is made for such part of the old navy debt as now bears interest, and which must be considered as additional debt; nor are the short annuities granted in 1789 admitted, although the instalment repaid, instead of being paid over to the Commissioners for reducing the national debt, was applied to the services of last year;

" That the annual interest of the capital stock, stated to have been purchased by the Commissioners for reducing the national debt, up to the first of February 1791, amounts to the sum of 203,170l. from which is to be deducted the increased annual charge for the interest of the tontine loan, viz. 42,262l. leaving the sum in favour of the Commissioners 160,908l. and if from this sum a further reduction is made for the increase of interest on the navy debt, stated, since the report of the select Committee, to amount to 49,888l. that sum will be reduced to 111,020l.

" That the permanent addition to the peace establishment, stated by the select Committee of 1791 as to remain on the five

five articles before enumerated, amounts to 434,295l. so that, while an annuity to the amount of 111,020l. has been redeemed by the Commissioners on behalf of the public, in the form of re-purchasing debt, an annuity of four times that amount is proposed to be entailed on the nation, in the form of increased establishment."

Mr. Sheridan.

Mr. *Sheridan* now observed, that compelling the Chancellor of the Exchequer to resort to the previous question, was precisely what he had in view, as it shewed that the right honourable gentleman felt the resolutions to be facts, and durst not allow them to stand on the journals as negatived. Mr. Sheridan said, the last of his resolutions, with a little alteration in the preamble, was as applicable to the resolutions adopted by the House, as to those with which it was originally connected, and he should take the sense of the House upon it. He then moved,

"That upon due consideration of the report made this "day from the Committee of the whole House, to whom "the consideration of the report from the Select Committee "of 1791 was referred, and also upon consideration of the "two reports of 1791 and 1786, and of the several accounts "before the House relative to the public income and expen-"diture, it appears proper and necessary to declare, that the "great increases proposed to the permanent peace establish-"ment, in the report of 1791, ought not to be considered "as receiving countenance or approbation from the House "of Commons, until the causes of the same shall be explain-"ed, and the necessity of them made manifest."

Mr. Chancellor Pitt said he should certainly oppose it, and the House divided;

Ayes, 19; Noes, 34. Majority, 15.

The following report from the Committee which had sat several days in an inquiry respecting the application of money granted for Carlton House, was brought up by Lord Sheffield, the Chairman:

"The Committee appointed to inquire respecting the application of the money voted for the additions to, and the furnishing of, Carlton House, have, in obedience to the order of the House, proceeded therein.

"Your Committee find that the sums voted by Parliament for the additions to, and furnishing of, Carlton House, amounting to 55,200l. were issued from the Treasury to Mr. Lyte, Treasurer to his Royal Highness the Prince of Wales, at various times; and that, by the express command of his Royal Highness, the said sums were set apart and kept separate in an account at Messrs. Ransom, Moreland, and Hammersley's, and made subject to the order of Mr. Henry

 Holland,

Holland, the architect, to be applied to the purposes for which they were issued.

"And your Committee farther find, that the whole of the said money has been paid to Mr. Holland, excepting the sum of 4,450l. paid by Mr. Hammersley to the upholsterer, on account, for furniture.

"It appears to your Committee, that the money so received by Mr. Holland has been paid to different persons employed in the works of Carlton House, whose names, and the sums paid to each, have been laid before your Committee.

"It appears, that such payments have been made on an open account, leaving a considerable balance due for work already done: and it also appears to your Committee, that the additions to, and furnishing of, Carlton House, are incomplete.

"It also appears to your Committee, that the estimate of the 14th of May, 1787, is stated by Mr. Holland as having been made in great haste: that the same appears to have been referred, in July following, by the command of the Prince of Wales, to the Officers of His Majesty's works; who declined giving any opinion on the particulars thereof, farther than that the prices proposed to be allowed to the tradesmen, as far as they went, agreed with those usually allowed in His Majesty's works.—That no other estimate was formed till his Royal Highness ordered the estimate of November 1789 to be prepared; which estimate was afterwards reduced nearly one half, by his Royal Highness himself.

"That in the title of this last estimate there appears a material error, in referring to the date of the application to Parliament in 1787, and stating articles of furniture as being for other state rooms not then projected; the meaning of which is now explained by Mr. Holland to be this, that it is an estimate of furniture intended to replace articles designed to be used before any state rooms were projected, and certain articles of which were intended to be employed in the state rooms, until an alteration was made in the plan of furniture, as stated and explained in the letter of Colonel Hulse and Mr Holland, of November 17th 1789, which is before the House; but that the state rooms are the same as described in the building estimate of May 14th 1787, and that no new buildings or rooms have been added, although some alterations have been made in the arrangement of the apartments."

Lord Sheffield.

Lord *Sheffield* observed, that an essential part of his object in proposing a Committee had been answered; that it had been clearly proved that the money granted had been fairly expended, and applied to the purposes for which it was voted, and

and that by the exprefs command of the Prince of Wales, it had been entered in a feparate account at his bankers, to be anfwerable only to demands for building and furnifhing Carlton Houfe. The fum voted, his Lordfhip faid, proved by no means anfwerable to the expence at Carlton Houfe; many had looked on thefe works as public works, and had confidered the public as anfwerable. It was not fuppofed that Parliament had limited the expence of the Palace for a Prince of Wales to the fum firft voted. Several families were greatly diftreffed, and likely to be ruined by the non-payment of bills for work done at Carlton Houfe. The Prince, as was well known, for he had no communication with his Royal Highnefs, felt ftrongly for their diftreffes. It was unfit fuch a bufinefs fhould remain on fuch a footing. It was at the fame time, difficult to make any propofition that would be fatisfactory. He wifhed not to propofe new burthens, although, perhaps, it would be only prudence then, to fettle the bufinefs. His Lordfhip concluded with faying he certainly fhould not propofe any thing that could be thought difrefpectful to His Majefty, or that was not likely to meet the general wifhes of the country; but if he found it would be acceptable to the Houfe, he fhould move, "That the report, with an humble addrefs, be fubmitted to "His Majefty."

Mr. Pitt.

Mr. Chancellor *Pitt* faid, the noble Lord had done wifely and judicioufly in not making a motion on the fubject in fo thin a Houfe, and fo advanced a period of the feffion. He was fure that no motion would have received the general concurrence of the Houfe.

Lord Sheffield thought the beft way would be to fubmit the whole to His Majefty's confideration.

Mr. Sheridan.

Mr. *Sheridan* recommended it to his Lordfhip to move, "That the report lie on the table and be printed," The object was, that the whole tranfaction might be fairly known, and the mifreprefentations done away which had been circulated refpecting it. This he wifhed more particularly; on account of the extraordinary miftake of keeping back a paper (No. 5)*, which he had long contended was delivered in at the Treafury, and which was at length produced. The omiffion had made a deep impreffion on many

* The following is a Copy of the Paper alluded to by Mr. Sheridan:

HENRY HOLLAND in Account for the Works at Carlton Houfe.

Amount of cafh received from Auguft 1787, to November 14, 1789 - - - - -	£ 50,753	0	0
Amount of cafh paid from Auguft 23, 1787, to Nov 14, 1789	50,374	8	9
In hand -	375	11	3

gentlemen; and was the more extraordinary, as the paper was the most important of all, shewing how the money had been applied; and the papers first presented, among which another was substituted for this, containing a note signed George Rose, stating, "That the Commissioners of the "Treasury had no official knowledge of the application of "the money, after it was issued." Mr. Sheridan said, he did not mean to take any farther notice of this; but he hoped, that those in whose care the paper was, would be severely reprimanded by their superiors for the neglect.

The report was ordered to be printed.

The following Report from the Committee appointed to inquire into the manner in which an act, made in the 22d year of the reign of his late Majesty King George the Second, intitled, "An act for enlarging and maintaining the "harbour of Ramsgate, and for cleansing, amending, and "preserving the haven of Sandwich," has been carried into execution, &c. &c. was laid on the table.

"The Committee appointed to inquire into the manner in which an act made in the 22d year of the reign of his late Majesty King George the Second, intitled, "An act for en-"larging and maintaining the harbour of Ramsgate, and for "cleansing, amending, and preserving the haven of Sand-"wich," has been carried into execution; what rates and duties have been imposed, and what sums of money have been collected by virtue thereof, and to what purposes such money has been applied; and to report the same, with their observations thereupon, to the House: and to whom the petition of the merchants and ship owners of the port of London; and also, the petition of the merchants and ship owners of the port of Scarborough; and also, the petition of the merchants and ship owners of the port of Hull; and also, the petition of the merchants and ship owners of Sunderland, in the county of Durham; and also, the petition of the merchants and ship owners of the city and port of Bristol; and also, the petition of the merchants and ship owners of the town and port of Newcastle; and also, the petition of the merchants and ship owners of Whitby, were severally referred: and who were instructed to take into consideration an act passed in the 5th year of the reign of his present Majesty, intitled, "An act to enlarge certain powers granted "by an act passed in the 22d year of the reign of King "George the Second, intitled, An act for enlarging and "maintaining the harbour of Ramsgate, and for cleansing "amending, and preserving the haven of Sandwich," have examined the matters to them referred; and have agreed to

report the same, together with their observations thereupon, to the House; which report is as followeth, viz.

"It appeared to your Committee, that the Trustees acting in the execution of the act of the 22d of his late Majesty King George the Second, have erected the piers, docks, and other works described in the annexed plan, and did in the year 1749 impose the following rates or duties, viz. 3d. per ton on vessels from 20 to 300 tons; 1d. per ton on vessels of upwards of 300 tons; and 1½d. for every chaldron of coals and ton of stone; which rates or duties continued till the year 1768: and in the year 1768 the Trustees imposed, in lieu of the former, the following rates or duties, viz. 3¾d. per ton on vessels from 20 to 300 tons; 1¼d. per ton on vessels above 300 tons, and 1⅞d. for every ton of stone and chaldron of coals; which last mentioned rates or duties continued for one year: and in the year 1769 the Trustees imposed, in lieu of the former, the following rates or duties, viz. 6d. per ton on vessels from 20 to 300 tons; 2d. per ton on vessels above 300 tons; and 3d. for every chaldron of coals and ton of stone; which last mentioned rates or duties continued without variation from that time hitherto; and by means of the said rates or duties, there hath been collected, to Midsummer 1790 - £. 371,882 8 3½

				£.	s.	d.
Deduct for allowance to collectors, the sum of	£. 23,022	10	0¾			
Ditto for losses by bad debts - -	433	7	9¾			
				23,455	17	10½
				348,426	10	5
The Trustees have raised and received by sale of annuities - -				87,521	5	4
The Trustees have received by rents of estates vested in them, and for dividends of funds purchased out of the produce of the collection up to 1790, now standing in the names of the Trustees afternamed, the sum of - -				12,992	8	5
				448,940	4	2

The Trustees, out of the monies collected and raised as aforesaid, have expended the following sums of money to Midsummer 1790, viz.

In works at the harbour, the sum of - -	219,700	0	6			
In payments to Sandwich Haven, annuities, salaries, and gratuities to officers, and contingent expences, the sum of - - -	153,007	18	3			
In the purchase of public funds, the sum of -	37,378	10	0			
Making together the sum of -				410,086	8	9
Which leaves a balance of -				38,853	15	5

Of which balance there is in the hands of the Treasurers the sum of - 33,034 14 10

There is now standing in the names of Alexander Aubert, Esq. and Arnold Mello, Esq. joint Treasurers of the said trust, the following public funds, purchased with the monies raised and collected as aforesaid, viz.

Bank 3 per cent. consolidated annuities - £.40,000
Bank 4 per cent. annuities - - 10,000

"The Trustees are possessed of a lease of a dwelling house and other buildings, in Austin Friars, London, used for the purpose of carrying on the business relating to the harbour, which lease was granted by Richard Henry Clarke and others, to the said Arnold Mello, and others of the trust, for the term of 60 years, from Lady Day 1788, at the clear yearly rent of 60l. upon which premisses the Trustees have expended, in repairs thereof, in the years 1788 and 1789 the sum of 3,500l, and upwards.

"The Trustees have purchased freehold property at Ramsgate, part whereof is let off, and the annual rents amount to 37l. 5s. clear.

"It also appeared to your Committee, that the accounts of the Treasurers of the said trust have been audited and passed by the Lord Mayor and Aldermen of the city of London, in pursuance of the said acts, from the commencement thereof to the 24th day of June 1787; but from that time the accounts of the Treasurers have not been passed by the said Mayor and Aldermen, although presented to them for that purpose, they the said Mayor and Aldermen considering that large sums of money had been expended contrary to the spirit and intent of the said acts of Parliament, as appears by the report of the Committee of the said Mayor and Aldermen, dated 12th April last, appointed to audit and examine the said accounts

"It alſo appeared to your Committee, that the annuities payable to the now ſurviving annuitants amount in the whole to the ſum of 1,093l. 2s. 6d. annually, as appears in the Appendix, No 1; and that the ſums annually paid in ſalaries and gratuities to Officers, do amount in the whole to the ſum of 1,155l. which ſalaries and gratuities, together with the employments of Officers, appear in the Appendix, No 2.

"It farther appeared to your Committee, that the revenue has exceeded the expenditure very conſiderably, and that it is an unneceſſary burthen on the public to raiſe ſo great a ſum, however uſeful the ſaid harbour has proved; and there being the ſaid balance of 33,034l. 14s. 10d. in the Treaſurers hands in June 1790, and the income ariſing from the money inveſted in the public funds being more than ſufficient to keep down the growing payments of the annuities (the whole whereof, from the advanced age of the annuitants, may be expected to end in a few years) your Committee obſerve, that the preſent acts are defective in powers as to the appropriation of the funded property, the internal Government and regulation of the harbour, and in other particulars. Whereupon,

"Your Committee have directed the Chairman to move the Houſe for leave to bring in a bill to explain, amend, and extend the powers of two acts, the one made in the 22d year of the reign of his late Majeſty King George the Second, intitled, "an act for enlarging and maintaining the harbour "of Ramſgate, and for cleanſing, amending, and preſerving "the haven of Sandwich;" the other made in the 5th year of the reign of his preſent Majeſty, intitled, "An act to en- "large certain powers granted by an act paſſed in the 22d "year of the reign of King George the Second, intitled, "an act for enlarging and maintaining the harbour of Ramſ- "gate, and for cleanſing, amending, and preſerving the ha- "ven of Sandwich."

APPEN-

APPENDIX, No. I.

April 16th, 1791.——A LIST of ANNUITANTS fuppofed to be now living.

When purchafed.	No.		Age.	Sums paid. £.	s.	d.	Annuity. £.	s.	d.
1750. 21ft December.	2	Mary Fowler, Topfham, Devon - -	45	200	0	0	14	0	0
	3	Sufanna Marfhall, Paradife ftreet — —	45	500	0	0	35	0	0
1754. 20th December.	75	John Crelleis, Southampton Row ——	39	100	0	0	6	0	0
	76	George Ruffell, Rotherhithe — —	50	800	0	0	56	0	0
1755. 26th September.	81	Charlotte Cranwell, at Rodbard's Grove Lane, Camberwell	32	300	0	0	19	10	0
1758. 22d December.	85	Richard Lloyd, Gray's Inn — —	48	650	0	0	50	0	0
	86	Jean Angelique Bertraud, at Mr. Tulford's, Berwick ftreet	51	600	0	0	48	0	0
	95	Benigne Marie de Bruffe, at Mr. Jackfon's, Holland ftreet	44	500	0	0	37	10	0
1759. 21ft December.	101	Anna Maria More, Loft Houfe, York ——	51	1032	5	2	80	0	0
	102	Henry Bingley, Yorkfhire — —	48	1050	0	0	80	0	0
1760. 26th September.	115	Sarah Pointing, St. Thomas's Hofpital —	35	200	0	0	14	0	0
1761. 8th May.	126	Frances Beagham, Halfmoon ftreet, Piccadilly -	45	500	0	0	37	10	0
24th September.	127	Ditto — ditto —	45	400	0	0	30	0	0
1763. 15th December.	141	Mary Tindall, Chelmsford, Effex —	54	260	0	0	20	0	0

Date	No.	Name	Age	£	s.	d.	£	s.	d.
1764. 20th December.	148	Margaret Parr, Hertfordſhire	46	666	13	4	50	0	0
1765. 19th December.	155	Margaret Hardwick, Weſtham, Eſſex	54	200	0	0	15	0	0
1766. 18th September.	158	Ditto	54	200	0	0	15	0	0
	160	Lucy Tindall, Oxford	42	300	0	0	20	0	0
	161	Elizabeth Udny, Gloſter row, Queen Square	55	400	0	0	30	0	0
	163	Elizabeth Tindall, Devonſhire	40	300	0	0	20	0	0
1767. 18th June.	165	Sarah Smith, Mortlake, Surrey	55	600	0	0	45	0	0
	169	Henry Southby, Bath	53	575	0	0	40	5	0
	171	Mary Lucas, Greenwich	48	250	0	0	17	10	0
	173	Mary Harnage, Sherborne, Dorſetſhire	34	100	0	0	6	5	0
24th September.	175	John Beaſley, Chiſwell ſtreet	45	500	0	0	37	10	0
	177	Mary Macartney, Puddle Dock Hill	28	100	0	0	6	5	0
	179	Ann Siddall, Richmond, Surrey	48	1000	0	0	72	10	0
1[illegible]th December.	185	Mary Ringroſe, Eſſex	38	200	0	0	14	0	0
	186	Hannah Mary Bormin, Greenwich	48	350	0	0	25	7	6
	189	Robert Wainwright, Looton, Bedfordſhire	45	500	0	0	35	0	0
	190	Frances Pynyott, Chapel ſtreet, Soho	37	700	0	0	45	10	0
1768. 16th June.	195	Elizabeth Forſter, Plympton, Devon	41	150	0	0	10	0	0
	196	Ann Foſter, ditto	39	150	0	0	10	0	0
22d September.	200	Mary Ringroſe, Eſſex	39	100	0	0	8	0	0
	203	Suſannah Marſhall, Rotherhithe	63	500	0	0	42	10	0
							1093	2	6

APPENDIX, No. 2.

OFFICERS employed under the Truſtees of Ramſgate Harbour.

	£.	s.	d.
William Evans, Secretary — —	350	0	0
Thomas Evans, Clerk — —	150	0	0
Allowance to Houſekeeper, for which ſhe is to find Servants, and all other neceſſary Articles — —	50	0	0
John Smeaton, Engineer — —	250	0	0
Samuel Patman, Storekeeper — —	100	0	0
Henry Cull, Maſon — —	100	0	0
George Strivens, Harbour Maſter — —	25	0	0
Stephen Heritage, Agent at Ramſgate — —	20	0	0
Chriſtian Nation, Meſſenger — —	40	0	0
Allowance to Edmund Hurſt, late Maſon — —	40	0	0
Do William Curling, late Harbour Maſter —	30	0	0
Total per Annum — —	1,155	0	0

The following Papers were alſo laid upon the table, for the peruſal of the Members:

An Account of the Quantity of Rum and Melasses, exported from the British West Indies to all Parts, in the Years 1787, 1788, and 1789, distinguishing each Year, and the Countries to which exported.

	1787.		1788.		1789.	
	RUM.	MELASSES.	RUM.	MELASSES.	RUM.	MELASSES.
	Gallons	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
Great Britain - -	2,251,346	—	3,646.667	—	3,396,653	—
Ireland - -	344,150	—	688.050	—	754,700	—
British Colonies -	885,186	26,380	652,200	24,889	668,470	20,192
States of America -	1,660,155	4,200	[illegible],541,093	3,923	1,485,461	1000
Foreign West Indies -	345,750	—	222,512	—	143,443	—
Southern Parts of Europe	9,560	—	—	—	—	—
Africa - -	—	—	19,810	—	43,450	—
	5,496,147	30,580	6,770,332	28,812	6,492,177	21,192

An Account of the Total Quantity of Sugar imported from the Britiſh Weſt-India Iſlands into Great Britain, in the under-mentioned Years.——Alſo, an Account, for the ſame Periods, of the Quantity of Raw and Refined Sugars exported from Great Britain; diſtinguiſhing the Quantity exported to Ireland, and other Parts of the Empire, from the Quantity exported to Foreign Parts.

	Quantity of Britiſh Plantation Sugar imported.			Raw Sugar exported to Ireland, and other Parts of the Empire.			Refined Sugar exported to Ireland, and other Parts of the Empire.			Raw Sugar exported to Foreign Parts.			Refined Sugar exported to Foreign Parts.		
	Cwt.	qrs.	lbs.	Cwt.	qrs.	lbs.	Cwt.	qrs.	lbs.	Cwt.	qrs.	lbs.	Cwt.	qrs.	lbs.
Year 1772 —	1,786,045	0	1	172,269	2	5	27,623	3	23	1,391	2	26	3,677	0	0
1773 —	1,762,387	3	15	184,252	2	17	23,771	3	17	2,397	1	2	5,772	9	0
1774 —	2,015,911	1	15	211,304	1	25	28,139	3	25	11,950	0	2	5,949	0	17
1775 —	2,002,224	3	8	255,686	2	16	23,034	3	26	89,325	3	12	46,755	3	22
1787 —	1,926,121	0	3	196,636	3	20	24,261	2	0	2,779	1	16	52,473	3	19
1788 —	2,065,700	0	12	138,681	3	19	17,150	3	9	6,575	0	20	58,250	2	6
1789 —	1,935,223	2	21	149,351	2	0	20,506	1	17	4,461	3	15	118,033	1	22
1790 —	1,882,005	0	17	127,104	4	3	13.968	1	17	15,011	2	15	105,892	2	1

An Account of the Quantity of Britiſh and Foreign Plantation Sugars, imported into North America, in the following Years; diſtinguiſhing each Year, and the Britiſh from the Foreign Sugars.

	British Plantation Sugar.			Foreign Plantation Sugar.		
	Cwt.	qrs.	lbs.	Cwt.	qrs.	lbs.
Years 1769 — —	49,672	0	0	45,437	0	0
1770 — —	66,417	2	3	35,035	1	1
1771 — —	47,870	0	0	21,466	0	0
1772 — —	44,611	0	0	51,333	0	0

An Account of the Quantity of Sugars, being British Plantation Produce, imported into Great Britain in the following Years; distinguishing each Year, and each Island from whence imported.

	1772. Cwt. qr. lb.	1773. Cwt. qr. lb.	1774. Cwt qr, lb	1775. Cwt. qr. lb
Antigua	1:5364 1 23	83965 1 20	235815 1 23	255861 1 26
Anguilla	—	—	—	1298 0 0
Barbadoes	141341 1 3	110911 2 4	139564 1 3	70181 1 25
Dominica	10370 2 8	26705 1 5	53404 2 12	40683 1 21
Grenada	198362 2 5	202679 0 0	185042 0 10	199824 1 23
Jamaica	874560 1 20	1057958 0 23	947073 1 1	995387 2 18
St. Kitt's	220716 2 14	110657 3 3	21226[illegible] 0 15	206[illegible]49 3 17
Nevis	63125 1 26	30369 1 20	68408 0 9	50468 0 10
Montserrat	58008 2 0	33776 0 21	47590 3 9	39227 2 9
St. Vincent's	55909 1 18	61084 0 18	651[illegible]7 0 17	54071 2 16
Tortola	34660 0 3	3[illegible]1[illegible]6 3 24	34962 3 4	38665 2 7
Tobago	13625 2 21	14153 3 17	27045 2 24	5[illegible]385 2 4
Total	1786045 [illegible] 1	176238[illegible] 3 15	[illegible]5911 1 15	2002224 3 8

	1787. Cwt qr lb	1788. Cwt. qr. lb.	1789. Cwt. qr. lb.	1790. Cwt qr. lb.
Antigua	2545[illegible]5 1 18	181813 2 0	144204 0 11	65022 1 26
Anguilla	21 9 2 16	3728 1 2	3 2 12	2150 2 18
Barbadoes	130242 0 16	110955 0 19	97389 2 27	113038 3 21
Dominica	58665 1 21	47640 1 24	34709 3 5	50036 0 23
Grenada	1[illegible]2880 0 9	193783 0 25	164338 3 9	191625 1 6
Jamaica	8[illegible]4[illegible]36 2 15	1124087 0 4	1236603 1 27	1185519 2 7
St. Kitt's	[illegible]3 397 2 12	18[illegible]3[illegible]9 1 25	89755 1 23	113379 1 16
Nevis	72175 1 11	9[illegible] 1 4	28151 3 0	35467 3 1
Montserrat	35849 3 10	25113 0 13	25089 2 16	19186 3 24
St. Vincent's	64449 1 2[illegible]	[illegible]0[illegible]35 2 24	81283 0 18	76747 2 1
Tortola	78749 1 6	84513 3 22	33704 0 23	29830 1 14
Tobago	—	—	—	—
Total	1926121 0 3	206[illegible]00 0 12	1935223 2 21	1882005 0 17

Average of the annual Produce of the first Period.	Average of the annual Produce of the last Period.	Increase in the last Period.
Cwt. qr. lb.	Cwt. qr. lb.	Cwt. qr. lb.
1,891,642 [illegible] 0	1,952,262 0 0	60,620 0 0
		Equal to about 4,040 Hogsheads.

Friday, 10th June.

A message from His Majesty, was delivered by Sir Francis Molyneux, gentleman Usher of the Black Rod:

"Mr. Speaker,

"The King commands this honourable House to attend "His Majesty, immediately, in the House of Peers."

Accordingly Mr. Speaker, with the House, went up to attend His Majesty; where His Majesty was pleased to give the Royal assent to several public and private bills.

After which, His Majesty was pleased to make a most gracious speech from the throne to both Houses of Parliament, as followeth; viz.

My Lords, and Gentlemen,

IN closing the present session of Parliament, I cannot omit expressing my satisfaction in that zeal for the public interests with which you have applied yourselves to the consideration of the different objects which I recommended to your attention.

The measures which have been adopted for defraying the extraordinary expences of the last year, in such a manner as not to make any permanent addition to the public burthens, and the provisions which have been made for the good government and prosperity of my subjects in Canada, call for my particular acknowledgements.

Gentlemen of the House of Commons,

I return you my thanks for the readiness with which you have granted the supplies necessary for the public service, and for the proof of your affectionate attachment, in enabling me to provide for a part of the charges of the younger branches of my family, out of the consolidated fund.

My Lords and Gentlemen,

I am not yet enabled to inform you of the result of the steps which I have taken with a view to the re establishment of peace between Russia and the Porte. It is my earnest wish that this important object may be effectuated in such a manner as may contribute to the preservation and maintenance of the general tranquillity of Europe. I feel, with the greatest satisfaction, the confidence which you have reposed in me, and my constant endeavours will be directed to the pursuit of such measures as may appear to me best calculated to promote the interests and happiness of my people, which are inseparable from my own.

And afterwards the Lord Chancellor, by His Majesty's Command, said,

"My Lords, and gentlemen,

"It is His Majesty's Royal will and pleasure, that this Parliament be prorogued to Tuesday the 16th day of August next, to be then here holden; and this Parliament is accordingly prorogued to Tuesday the 16th day of August next."

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